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Human rights bodies and mechanisms

Cooperation with the United Nations, its representatives and mechanisms in the field of human rights*

Report of the Secretary-General

Summary

The present report is submitted pursuant to resolution 12/2 of the Human Rights Council. The Secretary-General highlights recent developments within the United Nations system and beyond to address intimidation and reprisals against those seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights. It presents the activities of the Assistant Secretary-General for Human Rights as the senior official leading the efforts of the United Nations in this area. The report contains information on alleged acts of intimidation and reprisals, including in follow-up to cases included in the previous report (A/HRC/36/31) and prior to that. Owing to the word limit, more information on selected cases is set out in annex I. Information on follow-up to cases included in previous reports is provided in annex II. The report concludes with a summary of trends and recommendations to address and prevent acts of intimidation and reprisals.

* The annexes to the present report are reproduced as received.

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Contents

		Page
I.	Introduction	3
II.	Developments in response to acts of intimidation and reprisal	3
III.	Information on policy and best practices	5
IV.	Ensuring access to the United Nations, its representatives and mechanisms in the field of human rights	6
V.	Information received on cases of intimidation and reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights	7
	A. General comment	7
	B. Summary of cases	7
VI.	Conclusions and recommendations	14
Annexes		
I.	Comprehensive information on alleged cases of reprisals and intimidation for cooperation with the United Nations on human rights	17
II.	Information on alleged cases included in follow-up to previous reports	40

I. Introduction

1. The Human Rights Council, in resolution 12/2, expressed concern over continued reports of intimidation and reprisals against individuals and groups seeking to cooperate or having cooperated with the United Nations, its representatives and mechanisms in the field of human rights. The Council further condemned all acts of intimidation and reprisal committed by Governments and non-State actors and invited me to submit a report to the Council at its fourteenth session and annually thereafter, containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals and recommendations on how to address the issue. The present report is the ninth report based on resolution 12/2.[1]

II. Developments in response to acts of intimidation and reprisal

2. Addressing reprisals and intimidation against those cooperating with the United Nations in the field of human rights continues to be a priority and a core responsibility of the Organization as a whole. During the reporting period I continued to receive reports of alarming trends of reprisals, forms of retaliation for past cooperation and measures of intimidation, designed to discourage future participation or cooperation with the United Nations.

3. Intimidation and reprisals were discussed at and in relation to cooperation with the General Assembly, the Economic and Social Council, the Human Rights Council and the Security Council. Within the United Nations system, including in the Secretariat and its field offices and peace missions, at the United Nations Development Programme (UNDP), the International Labour Organization (ILO), the United Nations Conference of States Parties to the Convention Against Corruption, the World Bank and the International Monetary Fund, multiple actors have continued to address cases with concerned Governments and taken initiatives to raise awareness of the severity of the issue.

4. On 24 December 2017, at its seventy-second session, the General Assembly adopted by consensus resolution 72/247 to mark the twentieth anniversary and promotion of the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders). The General Assembly condemned all acts of intimidation and reprisal by State and non-State actors, including against human rights defenders and their legal representatives, associates and family members, and strongly called upon all States to give effect to the right of everyone, individually and in association with others, to unhindered access to and communication with the United Nations. It expressed grave concern at the "considerable and increasing number of allegations and communications of a serious nature received by special procedures" related to intimidation and reprisals.

5. On 29 September 2017, at its thirty-sixth session, the Human Rights Council adopted resolution 36/21 on "Cooperation with the United Nations, its representatives and mechanisms in the field of human rights," in which it reaffirmed "the right of everyone, individually and in association with others, to unhindered access to and communication with ... the United Nations, its representatives and mechanisms". In the resolution, the Council urged all States to prevent and refrain from all acts of intimidation or reprisal and to take measures to ensure accountability for reprisals. It noted the designation of the Assistant Secretary-General for Human Rights and decided that the presentation of the present report at the thirty-ninth session would be followed by an interactive dialogue. At the thirty-sixth, thirty-seventh and thirty-eighth sessions of the Council, States and non-governmental organizations (NGOs) also delivered statements on the issue of reprisals.

[1] A/HRC/14/19, A/HRC/18/19, A/HRC/21/18, A/HRC/24/29 and Corr.1, A/HRC/27/38, A/HRC/30/29, A/HRC/33/19 and A/HRC/36/31.

6. During the reporting period, successive Presidents of the Human Rights Council used their good offices through bilateral meetings or in writing in 2017 and 2018 to handle eight cases of reprisals related to participation in sessions of the Council. Those cases included travel bans, detention and confiscation of a passport, arrest, interrogation and imprisonment in the home country following participation in Council sessions and intimidation during parallel side events of the Council by representatives of a State.

7. The High Commissioner for Human Rights addressed in strong terms the issue of reprisals brought to bear by State officials on several occasions, in particular in his opening statement to the thirty-sixth session of the Human Rights Council on 11 September 2017[2] and on 18 June 2018 to its thirty-eighth session.[3] On numerous occasions, he has drawn attention to new and evolving policies and legislation that aim to restrict the operations of civil society, including those that selectively place obstacles in the way of international advocacy efforts by NGOs on particular issues. They include those that would limit or deny the foreign funding that organizations use to submit research and travel to United Nations meetings.

8. The Assistant Secretary-General for Human Rights, the senior official designated to lead efforts within the United Nations system to address intimidation and reprisals, has continued his high-level engagement with States, in particular on patterns and concerning urgent cases, and has undertaken activities to consult directly with victims and civil society organizations on the work of the United Nations in addressing reprisals. Apart from meetings in New York and Geneva, he engaged with participants from around the world at the 2017 Dublin Platform for Human Rights Defenders hosted by Front Line Defenders,[4] with Asian defenders from 16 countries at a regional consultation in Bangkok organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in May 2018 [5] and at a human rights defender security platform for Central Asia in Bishkek.[6]

9. The Assistant Secretary-General addressed specific situations and individual cases with Member States in intergovernmental forums and through quiet diplomacy with concerned Governments, including with Permanent Representatives to the United Nations and during field missions. He engaged with the President of the Human Rights Council, the Chair of the Committee on Non-Governmental Organizations, special procedures mandate holders, including their Coordination Committee, treaty bodies, Special Representatives of the Secretary-General and Resident Coordinators, representatives of the World Bank, heads of human rights field presences and focal points in various United Nations organizations at Headquarters and in the field. He has also engaged with the Global Alliance of National Human Rights Institutions on the specific targeting of national institutions in relation to their work with the United Nations.

10. On 18 April 2018, at the seventeenth session of the United Nations Permanent Forum on Indigenous Issues, the Assistant Secretary-General emphasized the widespread intimidation of and reprisals taken against indigenous peoples, including those who cooperated with the United Nations.[7] The Permanent Forum requested the Secretary-General, through the Assistant Secretary-General and in consultation with other relevant United Nations mechanisms, to report to the Forum at its eighteenth session in 2019 on trends related to intimidation and reprisals against indigenous peoples who seek to engage with the United Nations (see E/2018/43-E/C.19/2018/11, para. 14).

11. In the report on the twenty-fourth annual meeting of special rapporteurs/representatives, independent experts and chairs of working groups of the special procedures of the Human Rights Council, the special procedures mandate holders noted various measures taken to respond to intimidation and reprisals, which were observed to have

[2] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041.

[3] Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23206&LangID=E.

[4] See ww.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=22251.

[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23106&LangID=E.

[6] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23109&LangID=E.

[7] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22955&LangID=E.

become increasingly severe in nature. They also stressed the need for a trends analysis and comprehensive assessment, and for strengthened coordination with other parts of the United Nations system, including the Assistant Secretary-General (see A/HRC/37/37, paras. 66–67).[8]

12. In a statement on 1 June 2018 to mark the twentieth anniversary of the Declaration on Human Rights Defenders, experts reaffirmed that all individuals should be able to engage with the treaty bodies free from all forms of interference, intimidation, abuse, threat, violence, reprisal, or undue restriction.[9]

13. UNDP, OHCHR and the Global Alliance of National Human Rights Institutions continue to support the implementation of their guidelines on reprisals and other acts of intimidation against national human rights institutions, their members and staff. That includes documenting cases and responding to them promptly, as well as collectively supporting targeted national human rights institutions.

14. To ensure the visibility and accessibility of the work on intimidation and reprisals and the activities of the United Nations human rights mechanisms, the website launched in June 2017 is being translated into the six official languages and informational materials, including an animated video and a one-page document for civil society on how to submit information, are available online.[10] Special procedures mandate holders[11] and some treaty bodies also have dedicated webpages.

III. Information on policy and best practices

15. There were developments in the working methods and practices of the treaty bodies, including in the implementation of the Guidelines against Intimidation or Reprisals (the San José Guidelines, HRI/MC/2015/6) adopted at their meeting in 2015. During their thirtieth annual meeting, the Chairs of the treaty bodies encouraged rapporteurs or focal points of different committees to work together between sessions, as needed, to address cases, to make information available about reprisals on the website, and for the Secretariat to prepare a document for 2019 on the role of rapporteurs and focal points, including good practices (A/73/140).

16. At its ninety-fifth session, the Committee on the Elimination of All Forms of Racial Discrimination started the practice of sending letters to States parties on alleged cases and of making them publicly available on its webpage. The Focal Point for Reprisals of the Committee was tasked with developing guidelines on reprisals.

17. In the development context, the World Bank Group has made progress in developing guidance on addressing reprisals reported in relation to complaints involving its projects. In October 2017, the Office of the Compliance Advisor Ombudsman published reprisals guidelines.[12] These followed the publication in March 2016 of the World Bank Inspection Panel anti-retaliation guidelines, which were the first published by an independent accountability mechanism of an international financial institution.[13] Initial dialogue between the Assistant Secretary-General and those offices has been initiated to share information and best practices.

18. The UNDP public accountability mechanism, the Social and Environmental Compliance Unit of the Office of Audit and Investigations, reports cases of harassment, intimidation and violence against persons who seek to cooperate or have cooperated with UNDP-aided projects and is developing a "retaliation toolkit" for use by the international

[8] See also www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22828&LangID=E.
[9] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23154&LangID=E.
[10] See www.ohchr.org/EN/Issues/Reprisals/Pages/ReprisalsIndex.aspx.
[11] See www.ohchr.org/EN/HRBodies/SP/Pages/Actsofintimidationandreprisal.aspx.
[12] See Office of the Compliance Advisor Ombudsman, "CAO approach to responding to concerns of threats and incidents of reprisals in CAO operations", available at www.cao-ombudsman.org/documents/CAO-Reprisals-web.pdf 2017.
[13] See World Bank, "Inspection panel guidelines to reduce retaliation risks and respond to retaliation during the panel process".

accountability mechanisms, in cooperation with the Inter-American Development Bank. The Unit is completing compliance reviews and monitoring several cases of intimidation and reprisals for engagement with UNDP, including in Bosnia-Herzegovina, Malawi, Panama and Uganda.[14]

19. In the context of protection of civilians, the Department of Peacekeeping Operations has reinforced a policy commitment to the principle of "do no harm" in its cooperation with communities and civil society. The force commanders, in cooperation with civilian components, must ensure that threat assessments and situational awareness are informed by regular engagement with communities and civil society groups, such as youth and women's groups, which affirms their accountability for ensuring that such engagement does not expose any persons to harm.

IV. Ensuring access to the United Nations, its representatives and mechanisms in the field of human rights

20. Civil society organizations make an indispensable contribution to the work and purposes of the United Nations, which would be impossible without their having access to international meetings at United Nations premises and the ability to engage directly with the human rights mechanisms. Indeed, the Economic and Social Council acknowledges the breadth of their expertise and their capacity to support the work of the United Nations (see resolution 1996/31).

21. The Assistant Secretary-General has addressed concerns about the use of accreditation and security procedures to hinder people from speaking out in a number of United Nations forums at Headquarters. There have been attempts by some diplomats to block the participation of certain civil society representatives in United Nations events, meetings or conferences, including attempts to thwart the accreditation of NGOs, especially those doing human rights work, through various manoeuvres. Further, OHCHR has repeatedly received reports indicating that individuals at United Nations meetings have been unwillingly filmed or photographed, or that their statements in closed sessions were secretly recorded, creating a climate of intimidation that may deter members of civil society from participating in proceedings.

22. According to the Department of Economic and Social Affairs, which provides secretariat support to the Committee on Non-Governmental Organizations, which considers applications for consultative status with the Economic and Social Council, in 2018 over 4,800 organizations had consultative status and the demand for that status remained high, with new applications increasing by 19 per cent in 2017 (see A/HRC/38/18, para. 19). At its resumed session in May 2018, the Committee had before it 472 applications, of which 244 were deferred from previous sessions. They recommended 209 for consultative status and deferred 233. Another 27 applications were closed owing to the failure of the applicants to answer questions

23. Consultative status confers access to the United Nations and many of its mechanisms, and several stakeholders have raised concerns about the large number of deferrals and perceived lack of transparency in decisions on consultative status. Continuous deferral of applications has in some cases amounted to de facto rejections and has targeted civil society organizations that work on human rights-related issues (see A/HRC/38/18, para. 20).

24. In my previous report I addressed the role of the Committee on Non-Governmental Organizations and welcomed the positive efforts of the Committee to increase transparency, which have made some of its deliberations available via webcast. I also note the first consultation held between members of the Committee and NGOs in consultative status with the Economic and Social Council in June 2018 on the contribution of NGOs to the work of the Council and its subsidiary bodies, including on improving the access of NGOs to the United Nations. I again call on the Committee to apply the criteria for assessing

[14] See https://info.undp.org/sites/registry/secu/SECUPages/SECUSummary.aspx.

organizations in a fair and transparent manner. At a time when space for civil society is shrinking in various spheres, it is essential that the United Nations encourage engagement with civil society.

V. Information received on cases of intimidation and reprisal for cooperation with the United Nations, its representatives and mechanisms in the field of human rights

A. General comment

25. The present report includes cases based on information gathered from 1 June 2017 to 31 May 2018 and, in accordance with Human Rights Council resolutions 12/2 and 24/24, contains information on acts of intimidation or reprisal against those who:

(a) Seek to cooperate, or have cooperated with, the United Nations, its representatives and mechanisms in the field of human rights, or who have provided testimony or information to them;

(b) Avail or have availed themselves of procedures established under the auspices of the United Nations for the protection of human rights and fundamental freedoms, and all those who have provided legal or other assistance to them for that purpose;

(c) Submit or have submitted communications under procedures established by United Nations human rights instruments and all those who have provided legal or other assistance to them for that purpose;

(d) Are relatives of victims of human rights violations or of those who have provided legal or other assistance to victims.

26. The information received has been verified and corroborated by primary and other sources to the extent possible. Reference is made to various United Nations publications if the cases included in the present report have been made public. Responses provided by Governments by 31 July 2018 to actions taken by various United Nations actors on cases are also included. Efforts have also been made to follow up on cases included in previous reports when there were new developments in the reporting period (see annex II).

27. The present report and annexes do not attempt to provide an exhaustive list of cases. In preparing it, the principle of "do no harm" and the consent of the alleged victims to be named were strictly adhered to and a risk assessment made for each case received and deemed credible. As a result, it was decided not to include cases where the risk to the security and well-being of the individuals concerned, or their family members, was deemed too high. Furthermore, a number of cases brought to my attention have been addressed confidentially and may not figure in the report.

28. Further information about the following situations and cases is available at annex I. Where there are new developments during the reporting period on ongoing cases mentioned in previous reports, the information is found at annex II. "Special procedures mandate holders" refers to the special procedures mandate holders of the Human Rights Council. All special procedures communications referred to in the present report can be now found online by conducting a search using the case reference numbers that are provided in parentheses throughout the report. [15] Government replies to special procedures communications may also be found using this method.

[15] See www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

B. Summary of cases

Bahrain

29. Various United Nations actors have expressed grave concern about an ongoing trend of harassment and intimidation against Bahraini civil society representatives seeking to cooperate with the United Nations, the sweeping imposition of travel bans on around 20 individuals and the arrest, detention, sexual assault and torture and other forms of ill-treatment of targeted individuals (BHR 8/2017, BHR 9/2017 and BHR 13/2017).[16] Long-standing travel bans remained in effect during successive sessions of the Human Rights Council, preventing many civil society representatives from participating between June 2017 and June 2018. A number of individuals have also reported threats of violence and psychological intimidation because of their past engagement with the Council, including threats of physical violence, public defamation and rape, to discourage them from speaking out again. The present report notes that various human rights defenders have reportedly faced criminal and terrorism-related charges, including family members of Mr. Sayed Ahmed Al-Wadaei, Ms. Ebtesam Al-Alsaegh, and Mr. Nabeel Rajab (see annexes I and II).

30. The Assistant Secretary-General addressed those allegations in writing on 15 July 2017 and 29 May 2018. On 25 June 2018 the Government responded.

Cameroon

31. On 26 October 2017, special procedures mandate holders expressed concern about the increasingly threatening nature of the physical attacks on and intimidation and harassment of Ms. Maximilienne Ngo Mbe, of Central Africa Human Rights Defenders Network and Ms. Alice Nkom also of the Network and of an association for the rights of lesbian, gay, bisexual, transgender and intersex persons, following their participation in the review of Cameroon by the Human Rights Committee in Geneva (CMR 5/2017). On 17 July 2018 the Government responded to the allegations.

China

32. On 18 June 2018, in his opening statement to the thirty-eighth session of the Human Rights Council, the High Commissioner for Human Rights highlighted the continuing efforts of China to prevent independent members of civil society from engaging with United Nations human rights mechanisms, including treaty body reviews, the universal periodic review of the Human Rights Council and many special procedures mandate holders, and encouraged the authorities to enable all actors to contribute to all the international human rights mechanisms. The present report notes that various activists, human rights defenders and lawyers have reportedly been subjected to travel bans, surveillance, detention, including being held incommunicado, ill-treatment and torture for their efforts to engage with the United Nations (see annexes I and II). On 31 July 2018 the Government responded to the allegations.

Colombia

33. On 1 February 2018, special procedures mandate holders addressed allegations of death threats by paramilitary groups against Mr. Germán Graciano Posso, a member of the Peace Community of San José de Apartadó following his participation in the United Nations Forum on Business and Human Rights in Geneva in 2017 (COL 1/2018).

Cuba

34. On 11 May 2018, the spokesperson for the High Commissioner for Human Rights stated that OHCHR had received worrying reports that officials in Cuba had prevented human rights defenders and civil society representatives from boarding flights to travel to meetings abroad, including United Nations meetings, on the pretext of requiring more

[16] See also OHCHR, "Bahrain must end worsening human rights clampdown, UN experts say" (16 June 2017).

detailed identity checks. They included 14 direct cases of Cubans informed by officials that the computer system required extra screening. Those measures have resulted in passengers missing their flights and therefore the meetings. Special procedures mandate holders have raised individual cases (CUB 1/2018). On 4 April 2018, the Government responded to the allegations.

35. The Assistant Secretary-General addressed the allegations referred to above in writing on 11 April 2018. On 10 May 2018, the Government responded to the allegations.

Democratic Republic of the Congo

36. The United Nations Stabilization Mission in the Democratic Republic of the Congo reported multiple incidents of intimidation and reprisals for cooperation with the Mission, especially the team of joint human rights officers, in relation to incidents perpetrated by the Agence nationale de renseignements, the Forces armées de la République Démocratique du Congo, local police and others.

Djibouti

37. It was reported to OHCHR that Mr. Kadar Abdi Ibrahim, a human rights defender, was unable to participate in the review of Djibouti by the Working Group on the universal periodic review, held on 10 May 2018. Four Member States expressed their concern to the Government of Djibouti during the session (see A/HRC/39/10, paras. 54, 64, 84 and 104).

Egypt

38. Various United Nations actors took action on the initial disappearance and later detention of Mr. Ebrahim Abdelmonem Metwally Hegazy of the Association of the Families of the Disappeared, who was on his way to meet the Working Group on Enforced and Involuntary Disappearances in Geneva in September 2017. The case was addressed multiple times by special procedures mandate holders (EGY 14/2017, A/HRC/WGEID/109/1, para. 35, and see also A/HRC/WGEID/114/1, para. 56)[17] and the Assistant Secretary-General.[18]

39. Several special procedures mandate holders addressed the prolonged pretrial detention of Ms. Hanane Baderraddine Abdalhafez Othman of the Association of the Families of the Disappeared, who had documented cases for the Working Group on Enforced and Involuntary Disappearances over nine months and allegations of her being denied medical attention while in prison (EGY 4/2018 and A/HRC/WGAD/2017/78, paras. 89–93). On 31 July 2018 the Government responded to the allegations.

Guatemala

40. On 30 November 2017, special procedures mandate holders raised concerns regarding allegations of criminal charges against Mr. Jerson Xitumul Morales, a journalist who had collaborated with OHCHR in Guatemala, providing information on the human rights situation in Izabal (GTM 6/2017). On 15 January 2018, the Government responded.

41. The High Commissioner for Human Rights expressed support for the national human rights institution (Procurador de Derechos Humanos).[19] This followed alleged attempts by the Government to undermine the independence of the institution because of its support for the International Commission against Impunity in Guatemala. The Ombudsman, Mr. Augusto Jordán Rodas Andrade, has faced smear campaigns and threats to his family.

[17] OHCHR, "UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them" (15 September 2017).

[18] OHCHR, "Report highlights rising reprisals against human rights defenders cooperating with the UN" (20 September 2017).

[19] Statement by the High Commissioner for Human Rights at the end of his mission to Guatemala (19 November 2017).

Guyana

42. On 18 October 2017, the Working Group of Experts on People of African Descent expressed concern about alleged reprisals by prison authorities and guards against an individual (name withheld by the Working Group) incarcerated at Lusignan Prison, whom they had interviewed during their visit to Guyana in October 2017. They subsequently received information that the individual had been verbally threatened by the prison authorities and guards for having cooperated with them (GUY 1/2017).

Honduras

43. Following his official visit to Honduras on 12 May 2018, the Special Rapporteur on the situation of human rights defenders, said that he was "extremely concerned with the increasing number of acts of intimidation and reprisals against human rights defenders in connection with their engagement with the United Nations…These reprisals take the form of smear campaigns, harassment, intimidation, threats, physical attacks and killings."

44. On 7 June 2017, special procedures mandate holders expressed concern about allegations of death threats, attacks and reprisals against Ms. Hedme Castro, of the Asociación para una Ciudanía Participativa (HND 3/2017) in relation to cooperation with OHCHR and the Human Rights Council. On 29 June 2017 the Government responded.

45. On 24 July 2017, the Human Rights Committee raised concern about reports of disparaging statements made by senior government officials in the media about individuals and civil society organizations who had submitted information for the second periodic report of Honduras (see CCPR/C/HND/CO/2, para. 42), including in relation to the murder of Ms. Berta Cáceres (see A/HRC/36/31, annex II, paras. 1–3). On 18 July 2018 the Chair of the Committee met with the Government.

46. The Assistant Secretary-General visited Honduras in July 2017 and raised a number of allegations of reprisals with the Government.

Hungary

47. On 21 June 2017, special procedures mandate holders addressed the targeting of Budapest-based international disability rights NGO Validity (formerly Mental Disability Advocacy Centre) following the release of a report on allegations of human rights violations at the Topház social care institution (HUN 3/2017), which were addressed by the Human Rights Committee in March 2018 (see CCPR/C/HUN/CO/6, para. 21, and CCPR/C/SR. 3464 and 3465). Validity are of the view that their targeting is related in large part to their advocacy with the United Nations human rights mechanisms.

48. It was reported that among objections by Member States to NGO participation in the Conference of the States Parties to the United Nations Convention against Corruption in Vienna in November 2017 was an attempt to block the participation of K-Monitor, a Hungarian anti-corruption NGO, in an effort to place obstacles in the way of participation by organizations raising corruption pertaining to the authorities. The Bureau voted against the objection of the State (see CAC/COSP/2017/14, para. 25) and K-Monitor was able to resume its participation.

49. Two organizations that participated in the review of Hungary by the Human Rights Committee in March 2018, the Hungarian Helsinki Committee and Amnesty International Hungary, have been targeted, at least in part, for their advocacy on migrants' rights at the United Nations. On 3 August 2018 the Government responded to the allegations.

India

50. On 9 November 2017, special procedures mandate holders expressed concern at the use of the Foreign Contribution (Regulation) Act 2010 to restrict the work of NGOs cooperating with the United Nations, for example by a refusal to renew or grant licences, including for Mr. Henri Tiphagne of the Centre for Promotion of Social Concerns (OTH 2/2017 and IND 14/2018). Related issues concerning Mr. Nobokishore Urikhimbam of the Centre for Social Development have also been reported.

51. On 20 June 2017, the Special Rapporteur on the situation of human rights defenders expressed concern about reports of reprisals against a member of the Jammu and Kashmir Coalition of Civil Society, Mr. Kartik Murukutla, for cooperating with United Nations human rights mechanisms (IND 4/2017).

52. On 7 June 2018, the Assistant Secretary-General addressed the allegations in writing. On 2 July 2018, the Government responded.

Israel

53. In May 2018, the Minister of the Interior in Israel did not renew the work permit of the Director of Human Rights Watch, Omar Shakir, and ordered his deportation.[20] Mr. Shakir remains in the country, as the order is under review by a district court. The order was based, inter alia, on allegations that Mr. Shakir would support a boycott of Israel. Among the allegations are statements by Mr. Shakir supporting a database produced by the United Nations of businesses that operate in Israeli settlements, pursuant to Human Rights Council resolution 31/36.

Kyrgyzstan

54. On 25 June 2018, the Committee on Migrant Workers addressed the Government regarding the designation as extremist material of a submission by civil society organizations Anti-Discrimination Centre Memorial and Bir Duino Kyrgyzstan of an alternative report to the Committee ahead of its review of Kyrgyzstan in April 2015.[21] In May 2018, during a visit to Kyrgyzstan the Assistant-Secretary General raised the allegations with the Government.

Maldives

55. On 20 April 2018, special procedures mandate holders raised concerns about the launching of investigations against Shahindha Ismail of the Maldivian Democracy Network, for the use of Twitter and for having participated in a side event at the June 2017 session of the Human Rights Council (MDV 3/2018). Ms. Ismail continues to receive online threats and online gender-based violence, including rape threats. On 23 July 2018 the Government responded to the allegations.

Mali

56. According to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), there have been cases of reprisals perpetrated by State actors and non-State armed groups against individuals who collaborate with the Mission, including the Human Rights and Protection Division.[22] Intimidation and death threats are strategies that have been used by terrorist and extremist armed groups to threaten populations for any collaboration with national and international forces, including MINUSMA.

Morocco

57. In a decision of 15 November 2016, the Committee against Torture found that Morocco was responsible for violations of the Convention in the case of *Naâma Asfari v. Morocco*, in which Mr. Asfari, a Sahrawi human rights defender currently in detention, was the petitioner (CAT/C/59/D/606/2014). Since the decision by the Committee, Mr. Asfari's treatment in detention has reportedly deteriorated. His wife has been denied entry into Morocco on four occasions. On 13 February 2018, Mr. Asfari was placed in solitary

[20] OHCHR, "UN experts urge Israel not to deport Human Rights Watch official Omar Shakir" (18 May 2018).

[21] See submissions of civil society organizations to the twenty-second session of the Committee on Migrant Workers.

[22] MINUSMA and OHCHR "Droits de l'homme et processus de paix au Mali (janvier 2016–juin 2017)" (February 2018), available from https://minusma.unmissions.org/malgr%C3%A9-la-mise-en-%C5%93uvre-de-l%E2%80%99accord-pour-la-paix-la-situation-des-droits-de-l%E2%80%99homme-demeure.

confinement until 13 March 2018. On 13 July 2018, the Committee's Rapporteur on Reprisals and on Follow-up wrote to the Government.

Myanmar

58. During a briefing by members of the Security Council on their mission to Myanmar, it was reported that Myanmar security forces had threatened Rohingya villagers with reprisals if they talked to members of the delegation during the visit and had told the villagers that those who had done so were being sought. A Security Council member noted that it was unacceptable that anyone should feel intimidated about speaking with members of the Council (see S/PV.8255, p. 6).

59. The Special Rapporteur on the situation of human rights in Myanmar reported to the Human Rights Council in March 2018 that she had received information about violent reprisals taken by the armed forces against civilians with whom she had met following her visit to Rakhine State in January 2017 (see A/HRC/37/70, para. 63).

60. The Governing Body of ILO reported on 7 February 2018 that it remained concerned about two cases of apparent reprisal against complainants in forced labour cases, Mr. Aung Ko Htwe and Mr. Khaing Myo Htun (see GB.332/INS/8, paras. 15–16),[23] which were also raised by the Special Rapporteur in her report to the Human Rights Council in March 2018 (see A/HRC/37/70, para. 15). The Assistant Secretary-General addressed the allegations in writing on 2 July 2018.

Philippines

61. On 2 October 2017, special procedures mandate holders expressed concern about the defamatory and intimidating public statements directed at the Commission on Human Rights of the Philippines, its members and its Chair, Mr. Chito Gascon, (PHL 12/2017), in part because of its cooperation with the United Nations. The former Chair of the Commission, Ms. Leila M. de Lima, has been in prison since February 2018 on allegations of drug-related charges, deemed "politically motivated" by several mandate holders (PHL 5/2017).

62. Multiple United Nations actors have addressed reprisals against human rights defenders and representatives of indigenous peoples who were de facto listed as terrorists in February 2018. A number of those individuals have been long-standing partners of the United Nations and have reported that they believe their inclusion on the list is in part because of their cooperation with its mechanisms. The Assistant Secretary-General addressed the allegations in writing on 4 May 2018 and publicly on 18 May 2018.[24] On 8 June 2018, special procedures mandate holders raised concerns with the Government (PHL 5/2018).

Russian Federation

63. On 10 May 2018, the Chair and the Focal Point for Reprisals of the Committee on the Elimination of Racial Discrimination wrote to the Government about allegations of harassment, threats, and intimidation by authorities against Ms. Yana Tannagasheva and Mr. Vladislav Tannagashev and their families, two human rights defenders who had engaged with the Committee in August 2017 to advocate for the rights of the Shor indigenous people of southern Siberia.[25]

Rwanda

64. On 20 October 2017, the Subcommittee on the Prevention of Torture announced publicly that it had suspended its visit to Rwanda owing to obstruction regarding access to

[23] ILO, Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013), 7 February 2018.

[24] OHCHR, "Human rights advocates in Asia under attack," (18 May 2018).

[25] See https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_RLE_RUS_8683_E.pdf.

some places of detention, the confidentiality of interviews and concerns about potential reprisals. In February 2018, the the Subcommittee announced its intention to resume the visit to Rwanda.[26] On 1 June 2018, the Assistant Secretary-General wrote to the Government about the lack of assurances given to the Subcommittee that those interviewed or contacted during the visit would not face intimidation and reprisals. On 18 June 2018, the High Commissioner for Human Rights expressed concern at the suspension of the visit. During the Subcommittee's confidential session held in Geneva from 18-22 June 2018, it decided it would terminate the visit due to the lack of cooperation of the authorities in the resumption of the visit.[27] On 27 June 2018, the Government responded to the allegations.

Saudi Arabia

65. On 28 February 2018, Mr. Essa Al Nukheifi, a human rights defender consulted in December 2016 on the preparations for the mission of the Special Rapporteur on extreme poverty and human rights to Saudi Arabia in January 2017 and the subject of a communication by special procedures mandate holders (SAU 2/2017), was sentenced to six years in prison and banned from travelling and using social media for an equivalent amount of time after his release.

66. On 1 June 2017, the Working Group on Arbitrary Detention issued an opinion about the arbitrary detention of Salim Abdullah Hussain Abu Abdullah, who was arrested in December 2014 without a warrant and not provided with a reason for his arrest (see A/HRC/WGAD/2017/10, paras. 31–33). Since the opinion was issued, it has been reported that as an act of reprisal for having his case considered by the Working Group, Mr. Abu Abdullah has repeatedly been placed in solitary confinement for prolonged periods of time and been denied regular contact with his family (see A/HRC/39/45, para. 28). On 24 July 2018, the Government responded to the allegations.

South Sudan

67. In a report in February 2018, the United Nations Mission in South Sudan (UNMISS) and OHCHR noted restrictions imposed by national authorities against individuals whose opinions were perceived as critical of the Government or the reputation of the country and who cooperated with the United Nations by attending meetings, sharing information on human rights violations and facilitating access for UNMISS to affected populations (see S/2017/505, S/2017/784, S/2017/1011 and S/2018/163).

68. In follow up to his visit to South Sudan in February 2017,[28] the Assistant Secretary-General addressed allegations on 21 July 2017 to the Government of intimidation and threats against individuals for having cooperated with UNMISS and other United Nations entities outside South Sudan, including cases of individuals who were forced to leave the country.

Thailand

69. On 30 June 2017, special procedures mandate holders raised concerns over the harassment of and death threats made against Mr. Maitree Chamroensuksakul, a Lahu indigenous rights defender, following a meeting with the Special Rapporteur on the situation of human rights defenders during his visit to Thailand in May 2017 (THA 4/2017).

70. In August 2017, Ms. Sirikan Charoensiri of Thai Lawyers for Human Rights was charged with giving false information regarding a criminal offence, which may be directly linked to her cooperation with the United Nations human rights mechanisms. She had been previously charged with sedition (THA 2/2017).

[26] OHCHR, "UN torture prevention experts announce resuming visit to Rwanda," 28 February 2018.

[27] OHCHR, "UN torture prevention body to visit Burundi, Costa Rica, Senegal and Switzerland; terminates Rwanda visit", 4 July 2018.

[28] See OHCHR, "South Sudan: Senior UN human rights official condemns deplorable rights situation, calls for perpetrators to be held to account" (17 February 2017).

71. During his visit to Thailand in March 2018, the Assistant Secretary-General addressed allegations to the Government and followed up with a letter on 27 April 2018.

Trinidad and Tobago

72. On 21 July 2017, special procedures mandate holders raised concerns about the deprivation of liberty of Zaheer Seepersad in St. Ann's Psychiatric Hospital and other individuals living with a psychosocial disability (TTO 2/2017). They expressed serious concern about the persistent harassment, intimidation and threats to which Mr. Seepersad had been subjected for bringing his claims to the attention of the Working Group on Arbitrary Detention (see A/HRC/WGAD/2017/68, para. 34–35).

Turkey

73. Information was received that on 20 August 2017, the web pages administered by the Housing and Land Rights Network - Habitat International Coalition had suffered a series of alleged cyberattacks, which were repeated in September 2017 and April 2018, which the Network believed were a reprisal following publicity relating to their report to the United Nations Conference on Housing and Sustainable Urban Development (Habitat III).

74. Kursat Çevik, a Turkish police superintendent, was the subject of an opinion adopted on 16 June 2017 by the Working Group on Arbitrary Detention, following which the Turkish pro-Government media circulated information distorting the opinion of the Working Group and containing various accusations against Mr. Çevik, who also reportedly faced reprisals in his place of detention (see A/HRC/39/45, para. 28). On 31 July 2018, the Government responded to the allegations.

Turkmenistan

75. On 18 May 2018 during a regional meeting in Kyrgyzstan, the Assistant Secretary-General engaged with human rights defenders from four countries of Central Asia, but said he regretted that the United Nations had not felt able to invite representatives from Turkmenistan to that meeting for fear that they might face intimidation or reprisals from their Government for cooperation with the Organization.[29]

Venezuela (Bolivarian Republic of)

76. According to information received, representatives of the Government of Venezuela allegedly threatened and harassed civil society representatives serving as panellists at a side event during the thirty-fifth session of the Human Rights Council on 6 June 2017.

77. On 19 January 2018, the Assistant Secretary-General addressed allegations in writing to the Government.

VI. Conclusions and recommendations

78. When I addressed the Human Rights Council in February 2018, I affirmed that we should all be deeply shocked and angered by the extent to which civil society actors suffer reprisals, intimidation and attack because of their work, including when they engage with the United Nations system (SG/SM/18912-HRC/26). As demonstrated by the number of allegations contained in the present report, reported acts of intimidation and reprisal against those seeking to cooperate or having cooperated with the United Nations on human rights continue to occur and remain of grave concern. At the same time, the Organization is aware that the cases of intimidation and reprisals included in the report are but a fraction of those that regularly occur. A number of cases have been omitted for security reasons and a concern for the individual or organization involved, and it is believed that many incidents go unreported.

[29] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23109&LangID=E.

79. Intimidation and reprisals affect not only the individuals and groups directly impacted, but are alarming also for the message they send to other actors and individuals, whether from government or civil society, who wish to engage with the United Nations and express their views freely. The United Nations is regrettably seeing evidence of self-censorship in all regions with regard to engagement with its institutions at the local, national, regional and international levels. The impact of fear of reprisals is not only visible in the field, where United Nations personnel often encounter people too afraid to speak with them, but also at headquarters in New York and Geneva.

80. Field presences have also reported disturbing trends in acts of intimidation and reprisals that inhibit their work. In conflict settings, a fear of reprisals poses an obstacle for the United Nations to fulfil its mandate to deliver humanitarian assistance and protect civilians. For example, at the community level, colleagues have reported arriving at a location only to find the local population either unwilling to speak or having absented themselves from the scheduled meeting so as not to be seen to be providing information to the United Nations. It is not only community members who are being targeted, but also their legal representatives, intermediaries, witnesses and interpreters. In the development context, a hostile environment for community members in many countries who engage on land and resource-related projects is frequently reported. Indigenous peoples, in particular, continue to face reprisals as they seek to participate in development processes.

81. It is also observable from cases that have been reported to the United Nations that women and lesbian, gay, bisexual, transgender and intersex persons are exposed to gender- or sexual orientation-specific barriers, threats and violence. Women cooperating with the United Nations have reported threats of rape and being subjected to online smear campaigns. At least one case of sexual assault in detention was reported in the last year. Women and lesbian, gay, bisexual, transgender and intersex persons have also reported being subjected to physical searches and humiliating and degrading treatment. The United Nations is aware that such incidents are underreported owing to gender-specific barriers to coming forward. Many women and lesbian, gay, bisexual, transgender and intersex persons facing reprisals for their advocacy report being ostracized in their communities and their families threatened. The United Nations must do more to ensure that their experiences are documented, disaggregated and properly analysed, with a view to ensuring that they are not exposed to additional risks.

82. The range of intimidation and reprisals continues to be broad and often disguised in legal, political and administrative hurdles. Beyond measures such as travel bans, arbitrary arrest and detention, surveillance and defamation campaigns, initiatives such as budget cuts and selectively applied laws or new legislation that restrict the operations of organizations that are likely to cooperate with the United Nations are being seen. Measures undermining the legal legitimacy of organizations or the ability to acquire and maintain funding, especially funding from foreign donors, undermine their capacity to engage with the United Nations. Such measures can also deter organizations from engaging with the United Nations and contribute to the shrinking of civic space.

83. There is a disturbing trend in the use of national security arguments and counter-terrorism strategies by States as justification for blocking access by communities and civil society organizations to the United Nations. In the last year, a number of NGOs and human rights defenders, activists and experts have been labelled as "terrorists" by their Governments. Reported cases include individuals or organizations being officially charged with terrorism, blamed for cooperation with foreign entities, or accused of damaging the reputation or security of the State.

84. States have frequently invoked counter-terrorism as the reason an organization or individual should be denied access to participation at the United Nations. The real global threat of terrorism notwithstanding, this issue must be tackled without compromising respect for human rights, as human rights and national sovereignty go hand in hand, without contradiction. As I have emphasized before, terrorism is

fundamentally the denial and destruction of human rights and the fight against terrorism will never succeed by perpetuating the same denial and destruction. When we protect human rights, we are tackling the root causes of terrorism.[30] Counter-terrorism strategies cannot legitimize the blocking of access to the United Nations for certain individuals and organizations, purely on the basis of allegations of links to terrorism.

85. The majority of cases described in the present report demonstrate that acts of intimidation and reprisal are usually perpetrated by State officials, or at the very least are condoned by the State. At the same time, violations by non-State actors must be taken seriously. I reiterate that States must end such acts, investigate all allegations, provide effective remedies and adopt and implement measures to prevent reoccurrence. I call on all States to follow up on the cases included in the present and previous reports and provide substantive responses where they remain outstanding. Private citizens, corporate actors and non-State groups must be held accountable as well.

86. The United Nations is making efforts to improve its system-wide response, but more needs to be done. I call on all United Nations entities to be vigilant in the blocking of access to their partners and to report such cases immediately. The United Nations must strengthen the collection of information on acts of intimidation and reprisal by encouraging all parts of the system to share information more regularly on such cases and to take appropriate measures. Further, I encourage all stakeholders to report allegations of intimidation and reprisals for cooperating with the United Nations on human rights, as they occur, to ensure follow-up and action. Such actions in all parts of the system help bring further attention to such cases and encourage positive action by Governments.

87. As I stressed in my previous report (A/HRC/36/31), any act of intimidation or reprisal against individuals or groups seeking to cooperate or having cooperated with the United Nations in the field of human rights is absolutely unacceptable. Such acts run contrary to the very principles of the United Nations and must end. The world owes it to those brave people standing up for human rights, who have responded to requests to provide information to and engage with the United Nations, to ensure their right to participate is respected. Punishing individuals for cooperating with the United Nations is a shameful practice that everyone must do more to stamp out.

[30] See speech given by the Secretary-General at the School of Oriental and African Studies, University of London, on "Counter-terrorism and human rights: winning the fight while upholding our values" (16 November 2017).

Annex I

Comprehensive information on alleged cases of reprisals and intimidation for cooperation with the United Nations on human rights

1. Bahrain

1. Ten special procedure mandate holders expressed grave concern about an ongoing trend of harassment and intimidation against Bahraini civil society representatives seeking to cooperate with the United Nations. Reprisals have taken the form of sweeping travel bans for at least 20 selected individuals, and the arrest, detention, sexual assault and torture and other forms of ill-treatment of other targeted individuals (see 4 July 2017, BHR 8/2017 (the Government responded on 2 August 2017); 13 July 2017, BHR 9/2017 (the Government responded on 2 August 2017); and 13 December BHR 13/2017 (at the time of writing the Government had not responded).[1]

2. Long-standing travel bans remained in effect for many civil society representatives during successive sessions of the Human Rights Council, preventing them from participating between June 2017 and June 2018.[2] A number of individuals have also reported the use of intimidation because of their past engagement with the Council to discourage them from speaking out again, including threats of physical violence, public defamation and rape.

3. Three family members of Mr. Sayed Ahmed Al-Wadaei, of the Bahrain Institute for Rights and Democracy who has engaged with the Human Rights Council, were sentenced on terrorism-related charges on 30 October 2017. In March 2017, while Mr. Al-Wadaei was attending the 34th session of the Human Rights Council in Geneva, Mr. Al-Wadaei's brother-in-law Mr. Sayed Nazar Al-Wadaei, cousin by marriage, Mr. Mahmoud Marzooq Mansoor and mother-in-law Ms. Hajar Mansoor Hassan were arrested in Bahrain, subjected to different forms of ill-treatment and torture, and faced terrorism-related charges. Bahraini authorities also reportedly targeted Mr. Al-Wadaei's wife, Ms. Duaa Al-Wadaei in March 2018 when she was sentenced in absentia to two months prison for "insulting a police officer." It was reported that Ms. Hajar Mansoor Hassan faced further reprisals in her place of detention, the Isa Town Prison Center, based on the raising of her and her family's case and conditions in the Prison Center by civil society at the Human Rights Council on 2 July 2018 and at the review of Bahrain by the Human Rights Committee from 2 to 4 July 2018.

4. The Assistant Secretary-General for Human Rights addressed allegations in writing to the Government of Bahrain on 25 July 2017 and 29 May 2018. On 25 June 2018 the Government responded to the allegations of travel bans that freedom of movement in Bahrain is guaranteed by law, and that Ms. Ebtesam Al-Alsaegh, Mr. Nabeel Rajab, Ms. Neda Al-Salman (see Annex II of the present report), and the family members of Mr. Al-Wadaei's were not subject to reprisals for cooperation with the United Nations but rather responsible for criminal offenses.

5. With regard to Mr. Sayed Ahmed Al-Wadaei's family members (Mr.Nazar Al-Wadaei, Mr. Mahmoud Marzooq Mansoor, and Ms. Hajar Mansoor Hassan), the Government stated they were faced reprisals for committing criminal offences and not because of Mr. Al-Wadaei's cooperation with the United Nations. Regarding Mr. Nazar Al-Wadaei, according to the Government, two persons who investigated in relation to a 30-person attack on a public order patrol on 3 January 2017 confessed that Mr. Nazar Al-

[1] OHCHR, "Bahrain must end worsening human rights clampdown, UN experts say," 16 June 2017.

[2] Individuals included in the travel ban include: Mr. Mohamed al Tajer, Ms. Enas Oun, Mr. Ahmed al-Saffar, Ms. Fatima al-Mutawa, Ms. Rula al-Saffar, Ms. Jalila al-Salman, Ms. Nidal al-Salman, Mr. Radhi al-Musawi, Ms. Fatima al-Halwachi, Mr. Ebrahim Sharif, Mr. Ahmed Radhi, Mr. Mohamed Jawad, Dr. Taha al-Durazi, Mr. Faisal Hayat, Mr. Munthur al-Khour, Ms. Masooma al-Sayed, Ms. Rihanna al-Musawi, Sayed Talal al-Musawi and Mr. Ali al-Ghadeer, among others.

Wadaei was involved. The Office of the Prosecutor referred the case to the court, and Mr. Al- Wadaei was sentenced to seven years in prison. The decision is awaiting appeal at the Supreme Appeal Court, to resume on 5 June 2018.

6. Regarding Mr. Nazar Al-Wadaei, Mr. Mahmoud Marzooq Mansoor and Ms. Hajar Mansoor Hassan, according to the Government they were arrested for planting explosives in public places on 28 January 2017 and confessed to committing the act. Regarding Mr. Nazar Al-Wadaei and Mr. Younes Abdel Aziz, they were arrested for planting explosives in public places on 8 March 2017. According to the Government, Mr. Nazar confessed that he was instructed by Mr. Younes to commit the act. On 29 November 2017, Mr. Al-Wadaei and Mr. Abdel Aziz received a three-year prison sentence. On 8 February 2018, the Appeal Court accepted the case on a procedural basis, and the session took place on 13 June 2018. Regarding Ms. Duaa Al-Wadaei, the Government stated that she was not arrested because of her husband's activities, but arrested and charged with insulting a public servant. According to the Government, when Ms. Al-Wadaei was leaving the country, when the passport officer asked for her boarding pass she threw her boarding pass in a provocative manner and spoke to the officer in a demeaning manner. On 21 March 2018, the Court sentenced Ms. Al-Wadaei in absentia to two months of imprisonment.

2. Cameroon

7. On 26 October 2017, five special procedures mandate holders expressed concern about allegations of physical attacks, intimidation, and harassment against Ms. Maximilienne Ngo Mbe and Ms. Alice Nkom, following their participation in the review of Cameroon by the Human Rights Committee (CMR 5/2017). Ms. Ngo Mbe is the Executive Director of a coalition of Central Africa Human Rights Defenders – Network, and Ms. Nkom, is President of a Lesbian Gay Bisexual Transgender and Intersex (LGBTI) persons association, and also a member of the Network. It is alleged that both women are being targeted for their human rights advocacy - Ms. Ngo Mbe in relation to her efforts to bring attention to human rights violations committed in the English-speaking areas of southwest and northwest Cameroon, and Ms. Nkom for her advocacy against the criminalization of homosexuality in Cameroon. Both women human rights defenders have been the subject of previous communications by the special procedures, on 8 April 2010 an urgent appeal concerning Ms. Ngo Mbe (CMR 1/2010), on 5 August 2011 an urgent appeal concerning Ms. Ngo Mbe (CMR 1/2011), on 5 November 2012 an urgent appeal concerning Ms. Nkom (CMR 5/2012), on 13 August 2013 an urgent appeal concerning Ms. Ngo Mbe and Ms. Nkom (CMR 3/2013), and on 27 April 2015 an urgent appeal concerning Ms. Ngo Mbe and Ms. Nkom (CMR 1/2015). At time of writing, the Government has not responded to the special procedures' urgent appeals.

8. Both women had contributed to a joint alternative report on Cameroon for its review to the Human Rights Committee, and the special procedures expressed serious concerns about the increasingly threatening nature of the physical attacks, acts of intimidation and harassment against them, and the further risk of reprisals as a result of their meetings with the Committee.. On 11 July 2018, the Government responded to the special procedures' communication of 26 October 2017, stating that the complainants should provide detailed evidence justifying the allegations, in order to allow and facilitate action by Cameroon. The Government emphasized that Cameroon is a state of law and not a police state, with regard to measures aimed at ensuring the full enjoyment of their freedom of association, including protective measures against any form of reprisal for their cooperation with the human rights mechanisms. According to the Minister of External Relations neither the gendarmerie nor by the police have ever been questioned Ms. Ngo Mbe and Ms. Nkom in relation to their human rights activities or their cooperation with human rights mechanisms. According to the Ministry of Foreign Affairs, it is a priority of Cameroon to ensure the protection of all persons and all individuals living on its national territory in accordance with the principle of equality of before the law, therefore it is the Government's view that neither Ms. Ngo Mbe and Ms. Nkom can benefit from sui generis protection. During the universal period review of Cameroon on 16 May 2018, one Member State recommended that the Government take all necessary measures to enable human rights defenders and civil society to conduct their legitimate activities without fear of reprisal (see A/HRC/39/1, para. 121.125)..

3. China

9. On 18 June 2018, in his opening statement to the thirty-eighth session of the Human Rights Council, the High Commissioner for Human Rights highlighted the continuing efforts of China to prevent independent members of civil society from engaging with United Nations human rights mechanisms, including treaty body reviews, the universal periodic review, and many special procedures mandate holders. The High Commissioner encouraged the authorities to enable all actors to contribute to all the international human rights mechanisms and to cooperate with them in a spirit of open and mutual partnership.[3]

10. In July 2017, police officially lifted bail conditions on Ms. Wang Yu, a Chinese lawyer working in defense of the rights of Chinese citizens, including high profile human rights defenders cooperating or seeking cooperate with the United Nations. Ms. Wang had reportedly been targeted for her legal representation on several sensitive cases, including her role in the case of Ms. Cao Shunli, a human rights defender who died in custody in 2014 following engagement with the second universal periodic review cycle of China (see A/HRC/33/19, para. 39; A/HRC/27/38, paras. 17-19; and A/HRC/30/29, Annex, para. 1).[4]

11. In July 2015, Ms. Wang was at the centre of the "709" incidents concerning human rights lawyers, legal assistants and law firm staff, and activists across the country, named for the date on which it took place (9 July 2015) and her situation was addressed in a prior communication by four special procedures mandate holders (CHN 6/2015) and in a statement by the High Commissioner for Human Rights.[5] Upon her arrest Ms. Wang at first disappeared, then was subsequently charged with inciting "subversion of state power." In the early hours of 9 July 2015, police reportedly abducted Ms. Wang from her home in Beijing and, in January 2016, following six months of incommunicado detention in "residential surveillance at a police-designated location," Ms. Wang's family received a notice stating she had been formally arrested and was being held at Tianjin No. 1 Detention Center. Ms. Wang was reportedly tortured in custody and forced to confess to criminal behaviour. According to Ms. Wang, a police officer referenced the situation of Ms. Shunli's death during her own interrogation, noting that if she died in custody, she would become "another Cao Shunli."

12. After a video was released on 1 August 2016 where Ms. Wang gave a reportedly coerced televised confession, she and her family were held under house arrest in an apartment in Inner Mongolia, with 24-hour police guards and escorts if they left the residence. She was subsequently released on bail. In July 2017, police officially lifted bail conditions on Ms. Wang and her husband, but the family reportedly continues to live under surveillance.

13. According to information received, on 11 May 2018 Mr. Qin Yongmin, democracy activist and dissident, was prosecuted in part for his advocacy of the use of United Nations human rights mechanisms amongst civil society in China, including the Working Group on Arbitrary Detention, and for promotion of the implementation of United Nations human rights treaties to which China is a party. Mr. Qin had also appealed to the special procedures to intervene on behalf of his wife, Ms. Zhao Suli, who has been held incommunicado while under "residential surveillance" (de facto house arrest) since February 2018, following over three years of enforced disappearance in police custody. Like Mr. Qin, Ms. Zhao has been in State custody since January 9, 2015, when they were both disappeared by police in Wuhan.

14. The Wuhan City Intermediate People's Court in Hubei Province charged Mr. Qin for "subversion of state power" (Criminal Law, Article 105(1)), and on 11 July 2018 sentenced him to 13 years in prison. The criminal indictment against Qin, which was issued by Wuhan City People's Procurorate on 17 June 2016, states that Qin was being prosecuted due to his promotion of engagement with United Nations human rights mechanisms, and that his

[3] OHCHR, "Opening statement and global update of human rights concerns by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at 38th session of the Human Rights Council," 18 June 2018.

[4] OHCHR, "Deadly reprisals: UN experts deplore the events leading to the death of Chinese human rights defender Cao Shunli, and ask for full investigation," 18 March 2014.

[5] OHCHR, "UN Human Rights Chief deeply concerned by China clampdown on lawyers and activists, 16 February 2016.

"fundamental method of his [advocacy] work is based on using the Constitution and various UN human rights treaties, leading those around him to strive for human rights protections, organizing them in accordance with the law, uniting various spontaneously created organizations, and coordinating the work on various fronts," as a way to allegedly form a "powerful political opposition group."

15. According to information received, Guizhou activist Mr. Mi Chongbiao and his wife, Ms. Li Kezhen have been forcibly disappeared since April 2018. They were detained incommunicado by State agents in May 2012 in Guiyang City, Guizhou Province, after Mr. Mi posted online a complaint that he had submitted to the United Nations Human Rights Council about rights violations that his family has suffered. Officers from Guizhou Public Security Bureau have mainly held the elderly couple (Mr. Mi is currently 78 and Ms. Li is around 67) in "black jails," makeshift facilities used to illegally detain dissidents, activists, and petitioners. Mr. Mi has reportedly been subjected to ill-treatment and torture. Ms. Li has not been involved in human rights advocacy and is being persecuted solely on the basis of her relationship to Mr. Mi.

16. On 31 July 2018 the Government responded to the allegations. Regarding the case of Ms. Wang, the Government stated that in July of 2015, she was "lawfully subjected to criminal detention on suspicion of troublemaking and inciting the subversion of State power, and was subsequently put under residential surveillance in accordance with the law." Regarding the case of Mr. Mi Chongbiao, the Government stated that in May of 2012, he was "lawfully subjected to criminal detention on suspicion of troublemaking, which was subsequently changed to residential surveillance that was lifted in August 2012. The Government further noted that allegations of "disappearances" or "arbitrary detentions" are at odds with the facts.

17. Pertaining to Mr. Qin, the Government stated that in March of 2015, he was "lawfully subjected to criminal detention on suspicion of subverting State power; his arrest was approved by the procuratorial authorities in May of 2015, and [his case] was referred for prosecution in June of 2016." The Government noted that the Wuhan Municipal Intermediate People's Court held an open trial on 11 July 2018, which held that Mr. Qin had committed the crime of subverting State power and lawfully sentenced him to 13 years' fixed-term imprisonment and three years' deprivation of political rights. The Government stated that, "following his release on the completion of his term of imprisonment [for that crime], and motivated by his dissatisfaction with State power and the socialist system, he continued to engage in activities subversive of State power, advocating his ideas on subverting State power and proposing the goal, strategies and methods of subverting it through written essays, published books and the use the Internet and foreign media." The Government stated that to "achieve the goal of subverting State power, Mr. Qin sought out members, drafted regulations and established the structure of an unlawful organization that he set up with himself as its head, and raised funds by levying membership fees, soliciting donations and accepting financial subsidies, to be used for undertaking activities subversive of State power." The Government did not address the allegation of reprisals.

4. Colombia

18. On 1 February 2018, five special procedures mandate holders addressed allegations of death threats by paramilitary groups to Mr. Germán Graciano Posso, a member of the Peace Community of San José del Apartadó, following his participation in the United Nations Forum on Business and Human Rights in Geneva in 2017 (COL 1/2018). On 27 and 28 November 2017, Mr. Graciano Posso gave two speeches as a panellist at the Forum, where he denounced the incursions, aggressions, and repeated death threats from paramilitary groups against members of the Peace Community, because of their work highlighting the illicit financing of Chiquita Brands by paramilitary groups. On 29 December 2017, five paramilitaries broke into a warehouse with the intention of assassinating him. Three of the attackers managed to flee, and two were captured and handed over by the community to government authorities who reportedly released them 24 hours after the event, whereby they continued to threaten the community in retaliation for the events that took place. At the time of writing the Government had not responded to the special procedures' urgent appeal.

5. Cuba

19. On 11 May 2018, the spokesperson for the High Commissioner for Human Rights stated that OHCHR had received worrying reports that officials in Cuba have prevented a number of human rights defenders and civil society representatives from boarding flights to travel to meetings abroad on the pretext of requiring more detailed identity checks. Those measures have resulted in passengers missing their flights, and therefore the meetings, which in many cases, were organized by a United Nations entity. At the time of writing OHCHR had received direct information relating to 14 cases of Cuban human rights defenders who were told by officials that the computer system required extra screening.

20. There have also been reports that dozens of other people may have been stopped in this way from travelling, allegedly with no explanation by the Cuban authorities as to why they were held up nor on whose orders. Civil society organizations reported that the numbers of such instances have increased since 2016 and some human rights organizations were even informed that they would be banned from travelling outside Cuba until June 2018.

21. The spokesperson called on the Cuban authorities to respect everyone's right to freedom of expression and to freedom of movement, and to ensure that human rights defenders and civil society representatives are not unjustifiably prevented from travelling, including those planning to attend United Nations meetings, in particular its universal periodic review on 16 May 2018 in Geneva.

22. On 9 February 2018, two special procedures mandate holders expressed their concern to the Government about allegations of interrogation, threats and unofficial travel bans in individual cases, including Mr. José Ernesto Morales Estrada of Consejería Jurídica e Instrucción Cívica (CUB 1/2018). Mr. Morales Estrada has collaborated with the United Nations on different occasions, mainly the Human Rights Council and treaty bodies. Mr. Morales Estrada travelled to Geneva at the end of November 2017 to take part in the 94th session of the Committee on the Elimination of Racial Discrimination and the 10th session of the United Nations Forum on Minority Issues.

23. On 18 December 2017, Mr. Morales Estrada received a summons to appear before the local police in Pinar del Río. During his interrogation, he was allegedly threatened and informed that from that day he would be prohibited from traveling outside of Cuba due to his human rights advocacy with the United Nations. The official-in-charge is alleged to have said that his participation in United Nations forums had negative effects for Cuba at the international level. In a letter dated 6 April 2018, the Government categorically rejected the allegations, stating that Cuba does not detain, threaten or harass people for peacefully exercising their rights and that Mr. Morales Estrada is free to leave the country.

24. According to information received on 18 February 2018, Ms. Dora L. Mesa, of Asociación Cubana para el Desarrollo de la ducación Infantil (ACDEI), was advised at the passport office (Oficinas de la Dirección de Inmigración y Extranjería) that an indefinite travel ban had been imposed on her due to 'public interest.' Ms. Mesa has no past criminal or judicial charge pending, and there is concern that this *de facto* travel ban has been imposed as a reprisal in relation to her previous engagement with United Nations human rights mechanisms and to prevent her from engaging with the universal periodic review. She has reportedly been subject to surveillance and harassment at her home.

25. Ms. Mesa, Mr. Juan Antonio Madrazo Luna and Ms. Marthadela Tamayo González, had planned to participate in pre-meetings related to the universal periodic review. On 7 April 2018, Mr. Madrazo Luna and Ms. Tamayo González both members of the Comité Ciudadanos por la Integración Racial (CIR), were subject to intense scrutiny at the airport by customs and immigration officials, and were prevented from being able to board the plane to travel to Geneva. On 12 May 2018, Mr. Madrazo Luna was traveling to attend the universal periodic review session and intercepted at Havana airport and detained by the police for two hours for a "verification of (his) documents" which ensured he missed his flight to Geneva (via Madrid). It was also reported that the taxi driver driving Mr. Madrazo Luna to the airport was fined by the police, detained and driven to a police station where he was interrogated. During the universal periodic review of Cuba in May 2018, a Member State recommended that Cuba allow human rights defenders and civil society to engage with the United Nations and its mechanisms (see A/HRC/39/16, para. 24.158).

26. The Assistant Secretary-General for Human Rights addressed these allegations in writing to the Government of Cuba on 11 April 2018. On 10 May 2018 the Government responded that the individuals mentioned in the letter do not merit the categorization of 'human rights defender' because of the large monetary sums received for their work from undue foreign influence intent on regime change. The Government stated that these individuals should be more appropriately called 'foreign agents,' and rejected categorically the allegations of reprisals.

6. Democratic Republic of the Congo

27. The United Nations Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), reported that on 25 September 2017, in Lubumbashi, Haut-Katanga province, a human rights defender who had sent a letter alleging human rights violations committed in Kambove territory, became a victim of threats and harassment by an Agence Nationale de Renseignement (ANR) provincial agent. It is alleged that the agents formally reprimanded the human rights defender for sending such a letter to MONUSCO.

28. On 28 October 2017, in Luebo, Kasai province, a United Nations team of joint human rights officers, accompanied by their MONUSCO military escort, was threatened by soldiers of the Forces Armées de la République Démocratique du Congo (FARDC) soldiers. FARDC soldiers and Police Nationale Congolaise agents were posted outside the hotel where the United Nations team stayed, presumably to monitor the team's movement and to identify persons coming to visit the team. It is alleged that two persons who wanted to speak with the United Nations team were arrested by FARDC soldiers and released the following day. A note verbale was sent by MONUSCO to the Congolese authorities addressing this particular incident.

29. On 20 December 2017, in Nyiragongo, North Kivu province, a representative of a local development NGO was abducted by unknown individuals who mistreated and hit him while asking questions. He managed to flee after nine days in captivity. This incident is allegedly linked to a World Bank visit in early 2017 when the NGO representative denounced the embezzlement of World Bank funds by the NGO's coordinator and agents of the Fonds Social de la République, an institution attached to the Presidency of the Republic in charge of managing funds for development projects brought by international partners such as the World Bank. Since the World Bank's visit, the NGO representative has been receiving threats through anonymous calls and text messages. In a meeting in March 2017 with the Antenna (sub-office) of the Fonds Social de la République in North Kivu, the coordinator of the NGO and his collaborators allegedly threatened the NGO representative if he continued to denounce their misbehaviour, and fired him.

30. On 24 April 2018, in Kimpese, Kongo central province, a human rights defender was allegedly threatened by a police commissioner following his advocacy for the release of six detainees, including one child. The police commissioner, who was armed, allegedly intimidated him publicly for sharing reports on allegations of human rights violations with MONUSCO.

7. Djibouti

31. In April 2018, Mr. Kadar Abdi Ibrahim, a professor, journalist and human rights defender, conducted advocacy activities in Geneva, and presented a joint NGO submission prior to the universal periodic review of Djibouti. On 15 April 2018, two days after returning from Geneva, it was reported that he was briefly detained and had his passport confiscated by Secret Service agents who raided his home. The Secret Service agents gave no reason for his arrest and confiscation of his passport. Mr. Ibrahim has since been unable to leave the country. As a result, he was unable to participate in the review of Djibouti by the Working Group on the universal periodic review held on 10 May 2018. Four Member States expressed their concern to the Government of Djibouti during its examination by the universal periodic review in May 2018.[6]

[6] Report of the Working Group on the Universal Periodic Review Djibouti (see A/HRC/39/10, paras. 54 (Croatia), 64 (Germany), 84 (Ireland) and 104 (The Netherlands)).

8. Egypt

32. Various United Nations actors addressed the situation of Mr. Ebrahim Abdel Moneim Metwally Hagazy, one of the founders of the Association of the Families of the Disappeared. Mr. Metwally was traveling on 10 September 2017 from Cairo to Geneva to attend a meeting with the United Nations Working Group on Enforced and Involuntary Disappearances on 15 September 2017.[7] Mr. Metwally had submitted a complaint on 3 April 2016 to the Working Group on behalf of his son, Mr. Am. Ibrahim Abdel Moneim Metwally, who was arrested on 7 August 2013 in Kafr El-Sheikh Governorate by police and army security forces and who has been reported as disappeared (see A/HRC/WGEID/109/1, para. 35). The Assistant Secretary-General for Human Rights addressed this case in writing to the Government on 15 September 2017 and to the Human Rights Council on 20 September 2017.[8] On 3 October 2017, seven special procedures mandate holders expressed concern about his arrest and incommunicado detention (EGY 14/2017). The Government of Egypt replied to the Working Group (see below) and addressed the Human Rights Council on 20 September 2017.

33. Mr. Metwally was charged with founding and leading an illegal terrorist organisation, conspiracy with foreign entities or organizations to harm state security, and spreading false information. He was detained in Aqrab Prison for 15 days, pending the investigation, and reportedly subjected to ill-treatment and torture in detention. The Government responded to the special procedures on 8 November 2017, available online, but information has been received that he is still being held in solitary confinement in pre-trial detention and cannot exercise his right to *habeas corpus*.

34. The Working Group on Enforced and Involuntary Disappearances expressed its continued concern that the cases and charges against Mr. Metwally may relate to his documentation of cases of enforced disappearance in Egypt, including . r submission to the Working Group, and requested an update from the Government on outstanding questions raised, including whether an OHCHR letter confirming a meeting with the Working Group is part of the criminal file of Mr. Metwally and is being used as evidence against him (see A/HRC/WGEID/114/1, para. 56). The Government replied that it was not yet possible to confirm whether Mr. Hegazy had been holding a letter from OHCHR as the items found in his possession at the time of his arrest were still being inspected, and the Working Group on Enforced and Involuntary Disappearances has subsequently requested an update on this matter.

35. On 31 July 2018 the Government provided an update to OHCHR, reiterating its previous communications with the Working Group, including its response to special procedures (EGY 14/2017) on 8 November 2017. The Government noted that Mr. Metwally was charged with leading a terrorist group (in association with the Muslim Brotherhood) and spreading false news, statements and rumours abroad about the internal situation in the country. It noted the case is still being investigated as Mr. Metwally is still being interrogated and his seized assets are being examined. The examination report of Mr. Metwally's e-mail, phone, and CDs is still pending. The officer who conducted the investigation and who was responsible for his arrest and search still needs to be interviewed. The Government noted that Mr. Metwally was presented upon his request more than once to the prison hospital, where he was subjected to medical examination and care, was allowed to telephone his family and was given clothes, food, and medicine in his cell. The Government did not address the allegations of reprisals.

36. On 21 February 2018, five special procedures mandate holders addressed the prolonged nine-month pre-trial detention of Ms. Hanane Baderraddine Abdalhafez Othman, of the Families of the Forcibly Disappeared Association, as well as allegations of her being denied medical attention while in prison (EGY 4/2018; and see A/HRC/WGAD/2017/78, paras 89-93). Ms. Othman began to advocate for justice for victims of enforced disappearance and their families after her husband, Mr. Khaled Mohamed Hafez Mohamed Azzedine, disappeared on 27 July 2013 following his arrest by state security forces during a

[7] OHCHR, "UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them," 15 September 2017.

[8] OHCHR, "Report highlights rising reprisals against human rights defenders cooperating with the UN," 20 September 2017.

demonstration in Nasr City, Cairo district. She has documented cases of enforced disappearances for submission to the Working Group on Enforced and Involuntary Disappearances.

37. Ms. Othman was the subject of a previous communication by four special procedures mandate holders on 6 July 2017 (EGY 9/2017) that concerned her arrest on 6 May 2017 at the Al Qanater Al Khayriyah Prison in the Governorate of Qalyubiya, where she went to enquire about the fate and whereabouts of her husband. Following her arrest, she was brought to the Public Prosecutor of Shubra El Kheima in the Governorate of Qalyubiya, and charged with "belonging to a banned group" and "forming a women's organization." She is currently held at the Al Qanater Al Khayriyah Prison for women in reportedly inhuman conditions. The Government responded to the special procedures' communication of 6 July 2017 on 30 October 2017. However, nearly six months after being detained, Ms. Othman remains in pre-trial detention, without being charged. There is concern that her detention may be an act of reprisal for her cooperation with the Working Group on Enforced and Involuntary Disappearances.

38. During its eightieth session in November 2017, the Working Group on Arbitrary Detention rendered its opinion that the detention of Ms. Othman and other individuals was arbitrary, and requested the Government of Egypt to immediately release her and others and accord them an enforceable right to compensation and other reparations. The Working Group also referred the case to the Coordinating Committee of special procedures and the Assistant Secretary-General for Human Rights (see A/HRC/WGAD/2017/78, paras. 89-93). There has been no Government response to the communication of the special procedures of 21 February 2018.

39. In an update to OHCHR on 31 July 2018, the Government noted that the investigations indicated that the accused is involved in a number of women's groups, which aim to monitor officers and individuals, as well as the cars they use for transportation for the purpose of targeting them through terrorist operations. The Government confirmed that the accused is currently in Qanatar prison for women and is charged with joining a terrorist organisation in case number 5163 of 2017, Administrative Qanatar Khayreya Police Station. She has been provided with medical treatment. The Government did not address the allegations of reprisals.

9 Guatemala

40. On 30 November 2017, five special procedures mandate holders raised concerns regarding allegations of criminal charges against Mr. Jerson Xitumul Morales, a journalist who regularly collaborated with OHCHR Guatemala by providing information on the human rights situation in Izabal (GTM 6/2017). On 11 November 2017, Mr. Xitumul Morales was arrested in the city of El Estor, and accused of threats, instigation to commit a crime, illicit association, illicit meetings and demonstrations, damages and illegal detention. These accusations were related to demonstrations in May 2017 organized by fishermen from El Estor to protest against the alleged pollution of Lake Izabal by the mining activities of the Guatemalan Nickel Company (CGN). The participation of Mr. Xitumul Morales in the protests was limited to covering the events in his capacity as a journalist, narrating the facts and denouncing alleged excessive use of force.

41. The arrest of Mr. Xitumul Morales took place four days after personnel from the OHCHR office in Guatemala met with the mayor of El Estor to discuss the problems of the protests against mining activity in the region. During the meeting, the mayor reportedly accused Mr. Xitumul Morales, another journalist and seven fishermen of being part of organized crime.

42. At the end of his visit to Guatemala on 12 November 2017, the High Commissioner expressed support for the national human rights institution (Procuraduría de Derechos Humanos).[9] The statement followed reprisals faced by the human rights Ombudsman (Procurador de los derechos humanos), Mr. Augusto Jordán Rodas Andrade, allegedly due to his support to the International Commission against Impunity in Guatemala (CICIG). In

[9] OHCHR, Statement by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at the end of his mission to Guatemala, 12 November 2017.

particular, following the President's declaration of the head of the Commission as *persona non grata* in August 2017, Mr. Rodas Andrade filed an injunction order to prevent his removal from the country. Subsequently, Mr. Rodas Andrade became the victim of smear campaigns, including by authorities in the executive and legislative branches, and there have been attempts to remove him from his position. Mr. Rodas Andrade and his family have received threats and on 27 October 2017 they were granted precautionary measures by the Inter-American Commission on Human Rights. The Commission concluded that they are in a serious and urgent situation, with their rights to life and personal integrity at risk.

10. Guyana

43. On 18 October 2017, the Working Group of Experts on People of African Descent sent an urgent appeal to the Government of Guyana concerning alleged reprisals by prison authorities and guards against an individual [name withheld by the Working Group] incarcerated at Lusignan Prison (GUY 1/2017). The Working Group had interviewed the individual on 4 October 2017, and heard allegations that he was verbally threatened by prison authorities and guards for having cooperated with them during their official visit to Guyana from 2 to 6 October 2017. The Working Group expressed serious concern at the safety and well-being of the individual and requested the Government, as a matter of urgency, to investigate the allegations and ensure that no detainees would be subjected to harm, threats, harassment or punishment for being in contact with the Working Group. At the time of writing the Government had not responded to the Working Group's urgent appeal.

11. Honduras

44. Following the end of his official visit to Honduras on 12 May 2018, Mr. Michel Forst, the Special Rapporteur on the situation of human rights defenders, was "extremely concerned with the increasing number of acts of intimidation and reprisals against human rights defenders in connection with their engagement with the United Nations and its human rights mechanisms or with regional human rights organizations. These reprisals take the form of smear campaigns, harassment, intimidation, threats, physical attacks and killings."[10]

45. On 7 June 2017 four special procedures mandate holders sent a joint communication to the Government concerning allegations of death threats, attacks and reprisals against Ms. Hedme Castro (HND 3/2017), of the Asociación para una Ciudanía Participativa (ACI-PARTICIPA). The allegations related to surveillance and interference with her online correspondence, and her being held on 2 March 2017 at Toncontin international airport in Tegucigalpa, which prevented her from being able to board a plane to Geneva for a Human Rights Council side-event. Airport security allegedly conducted a "random" inspection of her luggage and interrogated her as to the purpose of her visit to Geneva, as well as to why she was carrying information regarding the situation of human rights in the country.

46. On 21 April 2017, a car without plates and with tinted windows was allegedly parked outside the office of ACI-PARTICIPA. On 1 May 2017, Ms. Castro and other members of ACI-PARTICIPA were reported to have been verbally and physically attacked during a demonstration by members of a company that operates in a region where ACI-PARTICIPA is helping the local indigenous community who are opposing actions by the company.

47. On 29 June 2017, the Government responded to the special procedures' communication of 7 June 2017, noting that no request was found by the Department of Human Rights in the Ministry of Security to implement protection measures for Ms. Castro or other members of ACI-PARTICIPA, but the Human Rights Defenders section, Special Attorney for Human Rights is investigating her and others' concerns regarding the airport security forces. The Government said it was impossible to contact Ms. Castro because she had left the country, therefore no risk assessment could be made on her behalf.

[10] OHCHR, End of mission statement by Michel Forst, United Nations Special Rapporteur on the situation of human rights defenders said at the end of his visit to Honduras, 12 May 2018.

48. On 24 July 2017, the Human Rights Committee raised concern about reports that senior government officials made disparaging statements in the media about individuals and civil society organizations who had submitted information for the second periodic report of Honduras (see CCPR/C/HND/CO/2, para. 42). In July 2017 Honduran defenders from Coalición contra la impunidad travelled to Geneva to take part in the review of Honduras by the Human Rights Committee. The defenders provided information to the Committee regarding the murder of well-known environmental and human rights defender, Ms. Berta Cáceres in March 2016. In response the head of the Honduran delegation discredited the information and later made public statements, including to Honduran media outlets, that the information provided by civil society to the Human Rights Committee on the death of Ms. Cáceres was false and misleading.

49. On 6 July 2017, the President of the Supreme Court of Justice read a public statement on behalf of the Government, whereby it accused 50 civil society organizations[11] of having delivered false information to experts of the Human Rights Committee on the progress in the investigation of Ms. Cáceres' murder, and that it does not accept, "that bad Hondurans and national and foreign organizations…bring false or misrepresented information to damage the country with dangerous interests." The same communication was delivered by the Ministry of the Presidency in Honduras on 6 July 2017. On 18 July 2018 the Chair of the Committee met with the Government, who assured the Chair that no reprisals would occur.

50. The Assistant Secretary-General for Human Rights visited Honduras in July 2017 and raised allegations of reprisals with the Government.

12. Hungary

51. On 21 June 2017, three special procedures mandate holders addressed the alleged targeting of Budapest-based international disability rights non-governmental organisation Validity (formerly Mental Disability Advocacy Centre) following the release of a public report in May 2017 on allegations of human rights violations at the Topház social care institution (HUN 372017). Validity also brought these issues to the attention of OHCHR and to the Human Rights Committee when it considered the sixth periodic report of Hungary held in March 2018 (see CCPR/C/HUN/CO/6 para. 21 and CCPR/C/SR.3464 and 3465. Since the release of the report, the Government has reportedly tried to delegitimize the work conducted by Validity, threatening the organization that it would open criminal proceedings as well as intimidating its staff members. On 17 July 2017 a Validity representative was reportedly summoned by police in connection with the investigation. Validity are of the view that their targeting is related in large part to their advocacy with the United Nations human rights mechanisms.

52. Further, it was reported that among objections by Member States to non-governmental organisations participation in the Conference of States Parties to the United Nations Convention against Corruption in Vienna in November 2017, was an attempt to block the participation of K-Monitor, a Hungarian anti-corruption non-governmental organisation. There were reported efforts to place obstacles in the way of the participation by the conference of organizations working on issues related to corruption by authorities. The Bureau of States Parties of the Conference, voted against the objection of the State and applied rule 17 paragraph 2 of the Rules of Procedure of the Conference in relation to the

[11] Coalición Contra la Impunidad integrated by: Asociación Arcoiris - Asociación de Jueces por la Democracia (AJD) - Asociación Intermunicipal de Desarrollo y Vigilancia Social de Honduras (AIDEVISH) - Asociación por una Ciudadanía Participativa (ACI-PARTICIPA) - Centro de Derechos de Mujeres (CDM) - Centro de Estudios de la Mujer Honduras (CEM-H) - Centro de Investigación y Promoción de Derechos Humanos (CIPRODEH) Colectivo Gemas - Colectivo Unidad Color Rosa - Comité de Familiares de Detenidos Desaparecidos de Honduras (COFADEH) - Comité por la Libre Expresión C-Libre - Comunidad Gay Sampedrana para la Salud Integral - Convergencia por los Derechos Humanos de la Zona Nor Occidental Crisálidas de Villanueva - Equipo de Reflexión, Investigación y Comunicación (ERIC) - Feministas Universitarias Frente Amplio del COPEMH - Foro de Mujeres por la Vida - Foro Social de la Deuda Externa y Desarrollo de Honduras (FOSDEH) - Movimiento Amplio por la Dignidad y la Justicia (MADJ) - Movimiento de Mujeres por la Paz Visitación Padilla - Red de Mujeres Jóvenes de Cortés Red de Mujeres Unidas de Colonia Ramón Amaya Amador - Red Nacional de Defensoras - Tribuna de Mujeres contra los Femicidios.

participation of non-governmental organizations (see CAC/COSP/2017/14, para. 25). While K-Monitor was able to resume their participation, there are concerns that the objection seemed to be a reprisal for cooperation with the United Nations in regard to its anti-corruption advocacy.

53. It was reported that two organizations that participated in the review of Hungary by the Human Rights Committee during the consideration of the Government's periodic report in March 2018, the Hungarian Helsinki Committee and Amnesty International Hungary, have been targeted, at least in part, for their advocacy on migrants' rights at the United Nations.

54. It was reported that the Governing Fidesz party have used language such as calling for "cleaning out [the country]" with reference to civil society. In 2018, there has been a targeted campaign of putting stickers on the doors of NGOs reading 'organization supporting illegal migration,' reportedly carried out by coalition partner KDNP (Christian Democrats) or Fidelitas (the youth wing of Fidesz). The Hungarian Helsinki Committee received a sticker on their door on 27 June 2018, while Amnesty International received such a sticker on 12 June 2018.

55. Further, on 12 April 2018, *Figyelő*, a publication in Hungary, published more than 200 names of people part of a group regarded by Prime Minister Orbán as "mercenaries paid by George Soros to topple the Government." The list included members of human rights and anti-corruption organizations, refugee advocates, investigative journalists and faculty and officials from the Central European University, a number of which have cooperated with the United Nations and have been publicly intimidated for reporting to or about the United Nations. A number of media outlets have accused some of the names on this list of making complaints to the United Nations against the Government. The campaign by the ruling party Fidesz prior to the April 2018 elections featured hostile rhetoric and billboards against civil society and the United Nations, in particular with regard to the ongoing consultations around the Global Compact for Safe, Orderly and Regular Migration.

56. On 3 August 2018 the Government responded to the allegations. It noted that the Mental Disability Advocacy Centre (Validity) was not authorized to prepare and publish the documentation they made at the unit of Pest County Social Institution (Topház) without the guardians' permission. As several photographs of the report were published on the internet, the "Pest County Police Headquarters launched an investigation procedure on account of the criminal report of the state authority responsible for the maintenance of the Institution," which the Government should not be regarded as a form of retaliation in connection with any monitoring activity. The Government referred to its detailed position on the subject matter in response to the 21 June 2017 communication by special procedures (HUN 372017), available online.

57. Pertaining to the participation of K-Monitor in the 2017 Conference of States Parties to the United Nations Convention against Corruption, the Government stated that the objection was related to the organization's non-compliance with Hungarian legislation, and that making objections in compliance with the provisions of the Conference's Rules of Procedure are legitimate and should not be considered a reprisal.

58. Regarding the targeting of the Hungarian Helsinki Committee and Amnesty International Hungary, the Government notes it is of the position that "putting stickers on the doors of NGOs does not in any way prevent organizations from availing themselves of UN procedures in the field of human rights." Further, the Government notes that in the review of the Human Rights Committee, the Minister for Foreign Affairs and Trade of Hungary only remarked that "serious debates on this issue [migration] were taking place with non-governmental organizations, which exerted their voices in the international space" and that this should not be interpreted as a "call for cleaning out the country" with reference to civil society.

59. With regard to the allegations attributed to the publication *Figyelő*, the Government affirms that the "impugned acts are not attributable to the Government" given that *Figyelő* is not a publication of the Government, and that it "does not see how reporting about the activity of an NGO by the independent press would prove that the *Figyelő* publication is a result of the complaints filed with the UN." Further, the Government notes that the domestic courts are available for redress in the case of infringements by media outlets. Regarding the Government's rhetoric in the election campaign, in particular the ongoing

consultations around the Global Compact for Safe, Orderly and Regular Migration, the Government notes that its "rhetoric did not target any organization or individual for cooperating with the UN, but took a position and shared its view on the draft of a UN document related to migration."

13. India

60. On 9 November 2017 two special procedures mandate holders expressed concern at the use of the Foreign Contribution Regulation Act of 2010 to restrict the work of non-governmental organizations who seek to cooperate with the United Nations, for example, by refusing to renew or grant licenses (OTH 27/2017).

61. They drew attention to the revocation of the license of the Centre for Promotion of Social Concern (also known as People's Watch) under the Foreign Contribution Regulation Act, which was also addressed by three special procedures mandate holders on 31 May 2018 (IND 14/2018). On 29 October 2016 the Ministry of Home Affairs reportedly refused to renew the organization's license to receive foreign funding under Article 6 of the FCRA and CPSC's bank accounts were frozen. The refusal was subsequently upheld by the High Court of New Delhi in January 2017. The case is still pending before the court following a 13 April 2018 hearing, and has been adjourned to 31 August 2018.

62. The Executive Director of the Centre for Promotion of Social Concern, Mr. Henri Tiphagne was accused of using foreign contributions in his international advocacy "to the detriment of India's image," including in his engagement with United Nations special rapporteurs to whom he submitted information "portraying India's human rights record in negative light." Mr. Tiphagne has also made recommendations to the universal periodic review. The special procedures mandate holders noted that the non-renewal of CPSC's license is a clear case of reprisal for his cooperation with the United Nations (IND 14/2018).

63. Additionally, on 1 January 2018, it was reported that the Centre for Social Development, which promotes the land and resource rights of indigenous peoples in Manipur, received a six months suspension. According to reports, the suspension was based on claims that the Centre for Social Development violated the Foreign Contribution Regulation Act by using foreign funding for purposes other than intended by the law, including drawing attention to Uranium mining in Meghalaya at "several global platforms." The Centre for Social Development submitted a report in October 2017 to the United Nations Working Group on Business and Human Rights and to the Committee on the Elimination of Racial Discrimination which included inquiries related to uranium mining and cement factories in Meghalaya. According to the Centre for Social Development, it has submitted nine reports to the United Nations since 2006 concerning violations of the rights of indigenous peoples in northeast India in relation to large-scale development projects, mining operations, and implementation of the Armed Forces (Special Powers) Act. They have requested the Committee's action under its early warning procedure.

64. It is alleged that the Centre for Social Development has been targeted by Indian authorities since August 2017, when surveillance of its premises and staff's movements began. The offices of the organization were reportedly visited by the Central Reserve Policy Force and others to question the staff about their work, and staff have been harassed. One staff member was physically attacked on 18 August 2017. In November 2017, one staff member and two volunteers of the organization were called in for questioning by the police.

65. The Secretary of the Centre for Social Development, Mr. Nobokishore Urikhimbam, has been surveyed by military intelligence officials from the State of Manipur as well as those outside of the state at his office premises and at his home in Imphal, Manipur. When he travelled to Shillong, State of Meghalaya in January 2018, the Intelligence Department of Meghalaya contacted the hotel and interrogated its staff about his actions and contacts. The hotel staff was asked to provide detailed information on his activities, including a list of the people he interacted with. These incidents were reportedly brought to the attention of the Superintendent of Police, Imphal East District and Patsoi Policy Station, Imphal West District, to no avail.

66. On 20 June 2017, Mr. Michel Forst, the Special Rapporteur on human rights defenders expressed his concern about reports of reprisals against a member of the Jammu

and Kashmir Coalition of Civil Society, Mr. Kartik Murukutla (IND 4/2017). Mr. Murukutla represents victims of human rights violations before local courts and engages with United Nations human rights mechanisms, particularly the universal periodic review and the special procedures. In September 2016, while traveling to Geneva, Mr. Murukutla was informed that he was subject to a "Look Out Circular," a measure taken where case has been registered against an individual by a police authority in order to verify whether a travelling person is wanted by the police. They are used by the police authorities to prevent and monitor the entry or exit of persons who may be required by law enforcement agencies, and there is concern that this measure was taken against Mr. Murukutla as a reprisal for his cooperation with United Nations human rights mechanisms in Geneva. It was reported in May 2018 Mr. Murukutla was not subject to restrictions during his most recent travels, but he had not been informed about the status of the Look Out Circular nor its implications for his future travel.

67. On 7 June 2018 the Assistant Secretary-General for Human Rights addressed the allegations of intimidation and reprisals to the Government of India. On 2 July 2018 the Government responded that the Foreign Contribution Regulation Act of 2010 prohibits acceptance and utilization of foreign contribution for activities detrimental to national interest. It noted that the revocation of the license for the Centre for Promotion of Social Concern before the Delhi High Court, is adjourned until 31 August 2018, and that the Centre for Social Development "needs to conform to the legal framework and the requirements under FCRA." The Government noted that Mr. Khurram Parvez's detention is well grounded according to the provisions of the Jammu and Kashmir Public Safety Act (1978) based on his activities prejudicial to public order. At the time of writing, the Government had not responded to the communications by special procedures of 9 November 2017 (OTH 2/2017), 20 June 2017 (IND 4/2017), or 31 May 2018 (IND 14/2018).

14. Israel

68. In May 2018, the Minister of the Interior in Israel did not renew the work permit of the Director of Human Rights Watch, Mr. Omar Shakir, and ordered his deportation. Mr Shakir remains in the country, as the order is under review by a district court. According to information received, the revocation was based on a dossier compiled by the Ministry of Strategic Affairs and Public Diplomacy alleging that Mr. Shakir supports a boycott of Israel. Among the allegations cited are statements by Mr. Shakir supporting the creation of a database of businesses that operate in Israeli settlements, pursuant to Human Rights Council resolution 31/36. The Government highlighted this allegation in its 77-page response to a lawsuit filed by Mr. Shakir and Human Rights Watch challenging the deportation decision. An amicus brief filed by the group NGO Monitor and accepted by the court also points to social media posts highlighting Human Rights Watch's support for the database and their more general advocacy at the United Nations Human Rights Council. The allegations were discussed at a first court hearing in June 2018.

15. Kyrgyzstan

69. On 25 June 2018 the Committee on Migrant Workers (CMW) addressed the Government regarding the designation as extremist material of a submission by civil society organizations Anti-Discrimination Centre Memorial and Bir Duino Kyrgyzstan. The decision came from the Oktyabrsky District Court in Bishkek following their submission of an alternative report to the Committee ahead of its review of Kyrgyzstan in April 2015. The report addressed the obligations of the Government to protect the rights of Kyrgyz migrant workers.

70. In May 2018 during a visit to Kyrgystan the Assistant-Secretary General raised the allegations with the Government.

16. Maldives

71. On 20 April 2018, four special procedures mandate holders raised concerns about the launching of investigations against Ms. Shahindha Ismail, of the Maldivian Democracy Network, for the legitimate exercise of her freedom of expression on Twitter and for having

participated in a side event at the 35th session of the Human Rights Council in June 2017 (MDV 3/2018). On 2 April 2018, the police summoned Ms. Ismail to question her for criticising Islam "with the intention to cause disregard for Islam" under Section 617 (a) 1 and 2 of the Penal Code, which prescribes up to four months and 24 days of imprisonment for first time offenders. She was also accused by the police of attempting to "disrupt the religious unity and create religious discord in the Maldives" through Twitter. Ms. Ismail has categorically denied the accusation. Ms. Ismail has been, and continues to be, subject to online threats and online gender-based violence, including rape threats. A Twitter account has repeatedly tweeted to Ms Ismail saying that they would rape her and violently harm her if they saw her on the road. The special procedures expressed concern that the investigations launched against her may constitute acts of reprisals for her cooperation with the Human Rights Council, and for her human rights work through the exercise of her right to freedom of expression.

72. . The Government addressed the allegations on 23 July 2018 and confirmed that the Maldives police service launched a criminal investigation against Ms Ismail for allegations of attempting to disrupt the religious unit of the citizens of Maldives and conversing and acting in a manner likely to cause religious segregation amongst the people. After completing the investigation, the police forwarded the case to the Prosecutor General's office where the Office determined that they could not find enough grounds to pursue a criminal charge against Ms Ismail or to have the charge proven in a court of law. The case has since been filed by the police. With regard to the allegations of death threats and intimidation through social media, a police investigation is ongoing and the case is being treated as serious, but the investigation is facing difficulties in obtaining the information because the Facebook and Twitter accounts were fake. The Government also reported that Ms Ismail is no longer being provided with personal security services by the Internal Security Command of the Maldives Police Service pursuant to her request in writing of 11 March 2018.

17. Mali

73. According to the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), there have been cases of reprisals perpetrated by state actors as well as non-state armed groups against individuals who collaborate with the United Nations.[12] Intimidation and death threats are strategies that have been used by terrorist and extremist armed groups to threaten populations for any collaboration with national and international forces as well as State actors, including MINUSMA.

74. On 26 October 2017, the chief of Boulkessi village (close to the Burkina Faso border, Mondoro commune, Douentza cercle, Mopti region) who is a source of information for the MINUSMA Human Rights and Protection Division, reported that he had received threats relating directly to his cooperation with them regarding an investigation into allegations of extra-judicial executions committed by Forces Armées Maliennes (FAMa). It is alleged that he received three threatening phone calls from unknown callers whose voices were disguised, and who referred to his collaboration with the investigation. The chief had reported the location of a mass grave containing bodies of four individuals killed by armed forces in an extrajudicial execution then he began to receive these threats.

75. On 2 December 2017, six unidentified armed elements shot and killed the Secretary-General of the Mayor of Dioungani commune (Koro cercle, Mopti region), and it is believed that the victim may have been targeted for being an informer to the armed forces and/or international forces, including MINUSMA. At the time of writing an investigation was ongoing.

76. Between 9 and 11 April 2018, MINUSMA conducted a special mission to Ménaka to meet with representatives of civil society and victims of human rights abuses during "counter-terrorism operations" conducted by elements of the Mouvement pour le Salut de

[12] MINUSMA, "Malgré la mise en œuvre de l'Accord pour la paix, la situation des droits de l'homme demeure préoccupante au Mali, Bamako, le 1er février 2018".

l'Azawad (MSA) and the Groupe autodéfense touareg Imghad et alliés (GATIA), in the region since June 2017. The village chief of Akabar who met with the MINUSMA team reported that on 13 April 2018 he was contacted by the MSA Chief of Staff and was questioned and intimidated because of his cooperation with MINUSMA.

18. Morocco

77. In a decision of 15 November 2016 (CAT/C/59/D/606/2014) the Committee against Torture found that Morocco was responsible for violations of Art. 1 and 12 to 16 of the Convention against Torture in the case of *Naâma Asfari v. Morocco*, in which Mr. Ennaâma Asfari, a Sahrawi human rights defender currently in detention, was the petitioner. Since the decision by the Committee Mr. Asfari's treatment in detention has reportedly deteriorated. His wife has been denied entry into Morocco on four occasions. On 13 February 2018, Mr. Asfari was placed in solitary confinement until 13 March 2018. On 13 July 2018 the Committee's Rapporteur on Reprisals and Follow-up wrote to the Government emphasizing the need to refrain from reprisals (G/S0 229/3MAR(8) 606/2014). On 31 July 2018 the Government responded, and the Committee decided to keep the follow-up dialogue on this case open, emphasizing the need for the full implementation of remedies requested. Another meeting was suggested during the Committee's session from 12 November to 7 December 2018.

19. Myanmar

78. During a briefing by members of the Security Council on their mission to Myanmar, it was reported that Myanmar security forces had threatened Rohingya villages with reprisals if they talked with the Security Council delegation during the visit and told the villagers that those who had done so were being looked for. A Security Council member noted that it was unacceptable that anyone should feel intimidated about speaking with the Council (see S/PV.8255, page 6).[13] Reports indicate that Rohingya villagers from Pan Taw Pyin, Rakhine State who met with the delegation on 1 May 2018, have been forced into hiding after being targeted by Myanmar's security agencies. Tatmadaw, including members of Military Security Affairs, reportedly requested local authorities to submit a list of all the villagers who had spoken with the delegation. While young villagers were interacting with the delegation, members of the military reportedly took video footage of the youth and then chased them and scolded them after the interviews. Villagers who participated in the meeting reportedly fear intimidation, harassment, and arrests. Furthermore, before the Security Council delegation visited Rakhine, authorities in Maungdaw township had reportedly warned the Rohingya in the surrounding villages against telling members of the Security Council anything adverse about the government or security forces.

79. Ms. Yanghee Lee, United Nations Special Rapporteur on the situation of human rights in Myanmar, reported to the Human Rights Council in March 2018 that she had received information about violent reprisals committed by the armed forces against civilians who she had met with following her visit to Rakhine State in January 2017 (see A/HRC/37/70, para. 63). These include a killing, beatings, and rape. The Special Rapporteur received credible information that the armed forces attacked a village in Rakhine a couple of days after her 2017 visit as a reprisal against those in the community who spoke to her. The armed forces reportedly gathered the village men and women together, and subjected them to severe mistreatment, beatings and assaults, and in another village, one man was killed.

80. The Governing Body of the ILO reported on 7 February 2018 that it remained concerned about two cases of apparent reprisal against complainants in forced labour cases (see GB.332/INS/8, para. 15).[14] The two cases were also raised by the Special Rapporteur on the situation of human rights in Myanmar, in her March 2018 report to the Human Rights Council (see A/HRC/37/70, para. 15).

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[13] UN Security Council, Briefing by Security Council mission to Bangladesh and Myanmar (28 April to 2 May 2018), 8255th meeting, S/PV.8255m 14 May 2018.

[14] ILO, Follow-up to the resolution concerning remaining measures on the subject of Myanmar adopted by the Conference at its 102nd Session (2013), 7 February 2018.

81. The ILO expressed concern about the detention on 18 August 2017 of Mr. Aung Ko Htwe, who had been forcibly recruited into the army in 2005 at age 14 (see GB.332/INS/8, para. 16). He receives continued protection according to the 2007 agreement between the ILO and Myanmar that gives victims the right to lodge complaints alleging the use of forced labour and to seek redress without "retaliatory action."[15] In 2009, Mr. Htwe's family filed a complaint about his underage recruitment with the ILO and, under its agreement of Supplementary Understanding, is entitled to continued protection from reprisals related to his forced recruitment complaint. At the time he was serving a commuted 10-year prison sentence for allegedly being implicated in a murder with two other child soldiers when he was attempting to flee the army in 2007, a case that had been addressed by the ILO to no avail.

82. A month after his release in July 2017, Mr. Htwe was re-arrested by Myanmar security forces after he gave an interview to Radio Free Asia detailing his forced recruitment into the army as a child, and charged under section 505(b) of the Penal Code for speaking publicly about his experience. The ILO appealed for the charges to be dropped and noted that in the past several years, other underage recruits have spoken publicly about their experience without facing such reprisals, which has helped to reinforce the Government's policy to end underage recruitment and forced labour. On 9 October 2017, the Government responded to the ILO indicating that it had previously responded to ILO in 2010 that it had taken measures to close the case. However, on 28 March 2018, the Dagon Seikkan Township Court sentenced Mr. Aung Ko Htwe to two years in prison with hard labor, despite his status as a complainant with ILO.

83. Human Rights Council resolution of 18 March 2018 (see A/HRC/RES/37/32, para. 22) expressed serious concern about reported cases of reprisal for cooperation with the Special Rapporteur on the situation of human rights in Myanmar, and emphasized that no one should face reprisals, monitoring, surveillance, threats, harassment or intimidation for cooperating or speaking with the special procedures of the Human Rights Council, including the Special Rapporteur, the independent international fact-finding mission or the United Nations. The Human Rights Council called on the Government of Myanmar to take appropriate measures to prevent such acts and to combat impunity by investigating promptly and effectively all allegations of intimidation and reprisal in order to bring perpetrators to justice and to provide victims with appropriate remedies.

20. Philippines

84. On 2 October 2017, five special procedures mandate holders expressed concern about the defamatory and intimidating public statements directed at the Commission on Human Rights of the Philippines (Commission), its members and its Chairperson Mr. Chito Gascon (PHL 12/2017), because of its human rights monitoring work and cooperation with the United Nations. The Commission submitted information to the universal periodic review of the Philippines in 2017 (see A/HRC/WG.6/27/PHL/3, paras. 2-9), 2012 (see A/HRC/WG.6/13/PHL/3, paras. 1-13) and 2008 (see A/HRC/WG.6/1/PHL/3, paras. 1-16). The Commission has received threats of being defunded or abolished and has been vilified in the media as a hindrance to the implementation of government policies. When commissioners travel for work purposes they are reportedly monitored, which has affected their engagement with the United Nations. There has been no Government response to the communication of the special procedures of 2 October 2017.

85. The Commissioner's former Chairperson, Ms. Leila M. de Lima, has been in prison since February 2017 on allegations of drug-related charges. In March 2018 it was reported that Ms. De Lima had not been arraigned in any of the three most serious drug-related cases for which she was charged. On 27 March 2017, six special procedures mandate holders raised concerns that her arrest may be "politically motivated" (PHL 5/2017). In addition to her arrest and detention, Ms. De Lima has been subject to intimidation, threats and judicial harassment in connection with her criticism of government policies surrounding the war on drugs, such as the extrajudicial killings of suspected criminals and drug users and President Duterte's proposal to reinstate the death penalty, including when she was Chair of the Commission.

[15] ILO, Supplementary Understanding between the Government of Myanmar and ILO, 2007.

86. Multiple actors have expressed concern at the February 2018 petition of the Department of Justice to a Manila court in February 2018, seeking to declare the Communist Party of the Philippines (CPP) and the New People's Army (NPA) as "terrorist" organizations under the Republic Act 9372 or the Human Security Act 2007 (the anti-terrorism law). The petition includes a list of over 600 individuals who are labelled as *de facto* "terrorists." It is reported that among these are least 80 recognized human rights defenders, indigenous peoples' representatives, and representatives of community-based organizations. This is the first time the Human Security Act of 2007 has been used against numerous activists.

87. A number of these individuals have been long-standing partners of the United Nations who believe their inclusion on this list is in part due to their international advocacy with the United Nations, including the Human Rights Council, the universal periodic review, the treaty bodies, and the special procedures. Among this list are past and current human rights defenders of the Karapatan Alliance for the Advancement of People's Rights, which includes a national alliance of human rights organizations, institutions and individuals in the Philippines,[16] which was the subject of a joint communication by three special procedures, regarding vilifying and threatening public statements made by President Rodrigo Duterte (PHL 4/2018).

88. Several indigenous peoples' representatives and human rights defenders advocating for the rights of indigenous peoples in the Philippines are on this list. In addition to the above-mentioned United Nations human rights mechanisms, several of these individuals have engaged with the former United Nations Working Group on Indigenous Populations, the United Nations Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples, the World Conference on Indigenous Peoples, and the United Nations Forum on Business and Human Rights.[17]

89. In a letter to the Government on 4 May 2018, the Assistant Secretary-General for Human Rights expressed concerned that placing these individuals on a "terrorist" list may constitute a reprisal for their engagement with the United Nations human rights system, and he also addressed the matter publicly on 18 May 2018.[18] On 8 May 2018 during its 95th session, the Committee for the Elimination of Racial Discrimination, under its early warning and urgent action procedures, urged the Government to remove indigenous leaders and human rights defenders, including incumbent and former United Nations special procedures mandate holders from the petition list, and recommended that the Government adopt effective measures to prevent acts of violence against indigenous peoples, defenders

[16] These include Ms. Elisa Tita Lubi, member at large of the Karapatan National Executive Committee and former interim Regional Coordinator of the Asia Pacific Forum on Women, Law and Development (APWLD); Mr. Arnold Evangelista and Erlindo Baes, officers of the Batangas Human Rights Alliance -Karapatan chapter, QRT; Ms. Zara Alvarez, Research and Advocacy Officer of the Negros Island Health Integrated Program (NIHIP) and former Campaign and Education Director of Karapatan-Negros chapter; and Mr. Sherwin de Vera, Regional Coordinator of DEFEND Ilocos, member of the Save The Abra River Movement (STARM) and former Secretary General of the Ilocos Human Rights Alliance-Karapatan.

[17] These include representatives associated with the Cordillera People's Alliance, an independent federation of organizations promoting indigenous communities' rights in the Cordillera Region, Philippines: Ms. Joan Carling, an indigenous leader from the Kankanaey Igorot people of the Cordillera Region, current Member and Co-Convenor of the Indigenous Peoples Major Group for the Sustainable Development Goals, former Secretary-General of the Asian Indigenous Peoples' Pact (AIPP), former member of the UN Permanent Forum on Indigenous Issues, former Chairperson of the Cordillera Peoples Alliance and current member of the CPA Advisory Council; Ms. Beverly Longid, an indigenous leader from the Kankanaey Igorot people of the Cordillera Region, current global coordinator of the International Indigenous Peoples Movement for Self-Determination and Liberation (IPMSDL), and former CPA Chair and current Advisory Council member; Mr. Jose Molintas, an Ibaloi human rights lawyer, former Asia representative to the UN Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) and former CPA Chair and current Advisory Council member; Ms. Joanna Cariño, an Ibaloi member of the CPA Advisory Council and Co-Chair of the SANDUGO Movement of Moro and Indigenous Peoples for Self Determination; Mr. Windel Bolinget, a Kankanaey-Bontok who is the current Chairperson of the CPA and National Co-convenor of KATRIBU national alliance of indigenous peoples; and Ms. Jeanette Ribaya-Cawiding, a Kankanaey, former Chairperson of CPA-Tongtongan ti Umili and current Regional Coordinator of the Alliance of Concerned Teachers – Cordillera.

[18] OHCHR, "Human rights advocates in Asia under attack," Andrew Gilmour, 18 May 2018.

of the rights of indigenous peoples and other human rights defenders. It requested the Philippines to provide information no later than 16 July 2018 (see CERD Decision 1/95). On 8 June 2018, five special procedures mandate holders raised their concerns (PHL 5/2018). At the time of writing there had been no response from the Government.

21. Russian Federation

90. On 10 May 2018, the Chair and the Focal Point for Reprisals for the Committee on the Elimination of Racial Discrimination wrote to the Government about allegations of reprisals by the authorities against Ms. Yana Tannagasheva and Mr. Vladislav Tannagashev, human rights defenders advocating for the rights of the Shor indigenous people of southern Siberia.[19] They had engaged with the Committee in relation to the twenty-third and thirty-fourth periodic reports of the Russian Federation in August 2017.

91. Following their collaboration with the Committee, Ms. Tannagasheva and Mr. Tannagashev were subject to harassment and intimidation by authorities of the Kemerovo district and representatives of Yuzhnaya coal company. They were urged by the police to renounce their activities, and were placed under surveillance by the police and security service, and had their phones tapped. Threats were made by security service agents concerning their children, and their relatives and friends were summoned for questioning. Further, Ms. Tannagasheva was dismissed from her job as a teacher at a local school and her house was burned down in a suspected arson attack, following which no investigation took place. As a result, both fled the country with their children out of fear for their safety. The Committee expressed their grave concern for the allegations of reprisals against Ms. Tannagasheva and Mr. Tannagashev, which appear to be a direct consequence of their engagement with the Committee. At the time of writing the Government had not responded to the Chair and the Focal Point for Reprisals of the Committee.

22. Rwanda

92. On 20 October 2017, the Subcommittee on the Prevention of Torture (SPT) announced publicly that it had suspended its visit to Rwanda "due to a series of obstructions imposed by authorities, such as accessing some places of detention, confidentiality of certain interviews and over concerns that some interviewees could face reprisals."[20] The Subcommittee reported that during its visit the experts encountered an especially difficult environment to undertake private interviews with detainees and many detainees expressed to them a fear of reprisals for cooperating with them. In some cases, detainees refused to be interviewed at all for fear of subsequent retaliation against them. Before the suspension of the visit, the Subcommittee and OHCHR Secretariat made several attempts to address the above-mentioned concerns with the Ministry of Justice, to no avail. According to its mandate under the Optional Protocol to the Convention against Torture (OPCAT), the Subcommittee can make unannounced visits at any place where people are or might be deprived of their liberty in countries which are a party to the Protocol, including prisons, police stations, detention centers for migrants, juveniles' detention centers, interrogation facilities, and psychiatric hospitals.

93. At its thirty-fourth session in February 2018, the the Subcommittee announced its intention to resume the visit to Rwanda.[21] However, due to the lack of cooperation of the authorities in the resumption of the visit, at its thirty-fifth session in June 2018, the Subcommittee decided to terminate the visit as there was no prospect of the visit being successfully resumed or concluded. It is the first time in 11 years and more that 60 country visits that the Subcommittee had to terminate a visit before its completion.[22]

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[19] See http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/RUS/INT_CERD_RLE_RUS_8683_E.pdf.

[20] OHCHR, "Prevention of Torture: UN human rights body suspends Rwanda visit citing obstructions," 20 October 2017.

[21] OHCHR, "UN torture prevention experts announce resuming visit to Rwanda," 28 February 2018.

[22] OHCHR, "UN torture prevention body to visit Burundi, Costa Rica, Senegal and Switzerland; terminates Rwanda visit", 4 July 2018

94. On 1 June 2018 the Assistant Secretary-General for Human Rights wrote to the Government expressing concern about the lack of assurances given to the SPT that those interviewed or contacted during the visit would not face intimidation and reprisals for cooperating with the SPT members and OHCHR Secretariat, and requesting information on the welfare of the detainees involved in the visit. On 18 June 2018 the High Commissioner for Human Rights expressed concern by the suspension of the visit, and called on Rwanda to provide full cooperation so that the Subcommittee can fulfil its mandate.[23] On 27 June 2018 the Government responded to the Assistant Secretary-General that the SPT had "full and unimpeded access to places of detention and detainees" and has put in place "prevention and investigatory measures to respond to allegations of reprisals." The Government noted that it had underwent its own investigation into the conditions that led to the suspension of the visit, including the allegations of reprisals, and found them without base. The Government further referred to its letter of 23 October 2017 to the SPT which noted that technical issues that arose during the five-day visit were resolved.

23. Saudi Arabia

95. It was reported that on 28 February 2018, Mr. Essa Al Nukheifi was sentenced to six years in prison by the Specialized Criminal Court. Mr. Al Nukheifi is a human rights defender with whom Mr. Philip Alston, the Special Rapporteur on extreme poverty and human rights consulted in December 2016 during the preparations of his mission to Saudi Arabia in January 2017. Mr. Al Nukheifi was also banned from travelling and using social media for an equivalent amount of time after his release. He had been the subject of a previous communication by four special procedures (SAU 2/2017) and there is concern that his current detention is related to his cooperation with the Special Rapporteur and that he expressed his willingness to meet with the mandate's team. On 20 April 2017 the Government replied that Mr. Al Nukheifi was arrested in December 2016 on criminal charges and was afforded due process.

96. In August 2017 Mr. Al Nukheifi was charged with "seeking to destabilise the social fabric and national cohesion" (Royal Decree 16820 see para. 8), "communicating with, and receiving money from foreign groups considered to be enemies of the state" (Royal Decrees 16820 and A/44) and "using a personal phone and the internet to store and transfer information considered harmful to the public order" (article 6 of the Anti-Cyber Crime Law, Royal Decree M/17). On 30 December 2016 Mr. Al Nukheifi had been transferred to Mecca General Prison where he remains in detention. It is alleged that he does not have a bed to sleep on and must sleep on the cold floor without any blanket, that he has been repeatedly threatened with torture, and that he is not allowed to receive visits from his family.

97. On 1 June 2017 the Working Group on Arbitrary Detention issued an opinion about Mr. Salim Abdullah Hussain Abu Abdullah (A/HRC/2017/10), who was arrested on 11 December 2014 without an arrest warrant and not provided with a reason for his arrest. He was taken to Dammam Central Prison and held incommunicado for six months and placed in solitary confinement. He was reportedly subjected to severe psychological and physical torture, and forced to sign a statement he was not allowed to read beforehand. In addition, some family members of Mr. Abu Abdullah were reportedly intimidated and threatened. The Working Group considers the detention of Mr. Abu Abdullah to be arbitrary and requested the Government to take steps to remedy the situation (see A/HRC/WGAD/2017/10, para. 31-33). At the time of writing, more than three years after his initial arrest, he has not been officially charged and, no court date has been set for a trial. Since the opinion was issued, it has been reported that Mr. Abu Abdullah has repeatedly been placed in solitary confinement for prolonged periods of time and been denied regular contact with his family, as an act of reprisal for having his case considered by the Working Group (see A/HRC/39/45, para. 28).

98. On 24 July 2018 the Government responded to the allegations. Concerning the case of Mr. Al Nukheifi, the Government stated he was arrested on 18 December 2016 and

[23] OHCHR, "Opening statement and global update of human rights concerns by UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein at 38th session of the Human Rights Council," 18 June 2018.

charged under articles 2 and 112 of the Statute of Criminal Procedures after his wife called the police claiming he had threatened to kill her and that he is affiliated to Daesh. s. The Government reported that he was allowed to call a lawyer and that his family visited him on 24 February 2017 (26/5/1438 Hijri). The General Prosecutor referred his case to the relevant court which ruled that Mr Al Nukheifi committed crimes involving national security, spying for foreign entities, receiving financial support and cyber crimes. The court of first instance sentenced him to six years imprisonment with a travel ban for the same amount of time as his release. His case is still under consideration with the court.

99. Regarding the allegations about Mr. Abu Abdullah, the Government stated a warrant for his arrest was issued pursuant to articles 35 and 103 of the Statute of Criminal Procedures and he was accused of committing many crimes, including killing several persons, shooting security officers, possessing arms and providing terrorists with weapons. Mr. Abu Abdulla's arrest was pursuant to article 2 of the Statute on Terrorism Crimes and Funding of 2013 and his detention was extended pursuant to article 5 of the same statute, and his case is referred to the specialized criminal court. According to the Government he was not subjected to torture or ill-treatment nor forced to confess, and was provided medical treatment. Additionally he was not forced to sign a confession. His case is still pending.

24. South Sudan

100. In a report in February 2018,[24] the United Nations Mission in South Sudan (UNMISS) and OHCHR noted instances of restrictions imposed by national authorities, including the National Security Service and pro-government forces as well as among the personnel of Central and State administration, against individuals whose opinions were perceived as critical of the Government or the reputation of the country and who cooperated with the United Nations by attending meetings, sharing information on human rights violations, and facilitating access of UNMISS to affected populations (see S/2017/505, S/2017/784, S/2017/1011, and S/2018/133).[25]

101. UNMISS received reports of at least 12 incidents which included arbitrary arrests and detentions, restrictions of movements and acts of intimidation and harassment, mostly targeting human rights defenders cooperating with the United Nations. Some individuals were ordered by security officials to cease sharing information with the United Nations. In addition, UNMISS received credible reports of intimidation against three South Sudanese human rights defenders living in neighboring countries or travelling outside the country who were accused of collaborating with the United Nations and being critical of the human rights situation in South Sudan. Human rights defenders were also reportedly threatened by government representatives after holding meetings with United Nations personnel in Upper Nile and Equatoria regions, in September and November 2017, respectively. At least two victims have sought refuge elsewhere in the country and abroad.

102. In follow up to his visit to South Sudan in February 2017, the Assistant Secretary-General for Human Rights sent a letter to the Government on 21 July 2017 and stressed the absolute need to avoid reprisals and threats against human rights defenders, including those who have cooperated with the United Nations.[26] In the letter he addressed specific cases of intimidation and threats against individuals for having cooperated with UNMISS and other United Nations entities outside South Sudan, including cases of individuals who were forced to leave the country.

25. Thailand

103. On 30 June 2017, three special procedures mandate holders raised urgent concerns about allegations of intimidation against Mr. Maitree Chamroensuksakul, a Lahu

[24] UNMISS and OHCHR, "Report on the Right to Freedom of Opinion and Expression in South Sudan since the July 2016 Crisis", February 2018,.

[25] Report of the Secretary-General on South Sudan, February 2018.

[26] OHCHR, "South Sudan: Senior UN human rights official condemns deplorable rights situation, calls for perpetrators to be held to account," 17 February 2017.

indigenous human rights defender from a hill tribe group in the border between the north of Thailand and Myanmar (THA 4/2017). According to information received, Mr. Chamroensuksakul was subject to harassment and death threats following a meeting he had with Mr. Michel Forst, the Special Rapporteur on the situation of human rights defenders, on 27 May 2017during his academic visit to Thailand. Mr. Chamroensuksakul had been documenting and publicly raising concerns of human rights violations committed against the Lahu community by law enforcement officers. In particular, he was seeking justice for the killing of Chaiyaphum Pasae, a 17-year old Lahu youth activist who was shot dead by military personnel on 17 March 2017 during an alleged anti-drug operation in Ban Kong Phak Ping village. Mr. Chamroensuksakul posted a photo of himself with the Special Rapporteur on his Facebook page.

104. On 29 May 2017, two days after Mr. Chamroensuksakul met with the Special Rapporteur, the police from Provincial Region 5 and Chiang Mai conducted a joint large-scale search operation of Ban Kong Phak Ping village, with a warrant issued by Chiang Mai Provincial Court, supposedly aimed at searching for drugs. The authorities searched nine houses, including Mr. Chamroensuksakul's house, which they raided while he was not home. Two of his family members were arrested and charged with drug possession, and both were denied access to a lawyer during their interrogation by the police. At the time of writing the Government had not responded to the special procedures' urgent appeal of 30 June 2017.

105. It was reported that in August 2017, Ms. Sirikan Charoensiri, of Thai Lawyers for Human Rights, was charged with the offences of giving false information regarding a criminal offence. Four special procedures mandate holders had raised concerns on 11 April 2017 that the charges she received, sedition and gathering five or more people for political purposes under the criminal code, may be directly linked to her cooperation with the United Nations, particularly her participation in the thirty-third session of the Human Rights Council in September 2016 (THA 2/2017). It is reported that, if found guilty, she could face up to 15 years in jail and could be tried in a military court for a sedition charge.

106. Ms. Charoensiri also participated in the March 2017 session of the Human Rights Committee, where she publicized her legal advocacy efforts. She had represented 14 student activists arrested by the Thai authorities for their alleged participation in peaceful protests in June 2015, following the military coup in May 2014. She is also engaged in awareness-raising on law and human rights issues related to the enforcement of martial law and the orders of the National Council for Peace and Order (NCPO). In February 2016, Ms. Charoensiri had been charged with the offences of refusing to comply with the order of an official and concealing of evidence and, in September 2016, upon return from the Human Rights Council, she was further charged under the National Council for Peace and Order and with sedition. The Government responded on 10 August 2017 to the special procedures' communication of 11 April 2017, stating that Ms. Charoensiri was not charged due to her capacity as a lawyer or human rights defender, but on the basis of the possibility of her being one of the principals or accomplices in committing alleged offenses under article 12 of the NCPO Order No. 3/2015 and article 16 of the Criminal Code.

107. During his visit to Thailand in March 2018, the Assistant Secretary-General for Human Rights addressed allegations of intimidation and reprisals to the Government, and wrote a follow up letter on 27 April 2018. At the time of writing no response had been received from the Government.

26. Trinidad and Tobago

108. On 21 July 2017, three special procedures mandate holders raised concerns about the deprivation of liberty of Mr. Zaheer Seepersad in St. Ann's Psychiatric Hospital and other patients living with a psychosocial disability (TTO 2/2017). Mr. Seepersad was born in 1987 with dystonia, a physical impairment due to a neurological movement disorder. On 20 November 2017, the Working Group on Arbitrary Detention issued Opinion No. 68/2017 concluding that the detention and subsequent internment of Mr. Seepersad in St. Ann's Psychiatric Hospital on 8 January 2015 for a period of two months, and on 4 May 2016 for 16 days, were arbitrary without any legal basis justifying the deprivation of liberty, and was made purely on the basis of his physical impairment, constituting a

violation of international law on the grounds of discrimination based on disability (see A/HRC/WGAD/2017/68, paras. 34-35).

109. The Working Group on Arbitrary Detention expressed its most serious concern at allegations of reprisals, such as persistent harassment, intimidation and threats which Mr. Seepersad has been subjected to, for bringing his claims to their attention. The Working Group requested the Government to ensure that all acts of intimidation against Mr. Seepersad cease and that an impartial and effective investigation is carried out in relation to such acts and those responsible brought to justice. The Working Group recommended that the Government remedy the situation and provide compensation to Mr. Seepersad, and referred the case for further action to the focal point on reprisals of the Coordination Committee of Special Procedures and to the Assistant Secretary-General for Human Rights (see A/HRC/WGAD/2017/68, paras. 34-35, 37-39, 41).

110. On 6 September 2017, the Working Group on Arbitrary Detention transmitted the allegations to the Government under its regular communications procedure. The Working Group did not receive a response from the Government nor request for an extension of the time limit for its reply. It is reported that Mr. Seepersad still remains under pressure to dissuade him from engaging with regional or United Nations mechanisms to seek a legal remedy.

27. Turkey

111. Information was received that on 20 August 2017, the web pages administrated by the Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN), suffered a series of alleged cyber-attacks over two weeks, which were repeated on 25 September 2017 for two days and on 16 April 2018. The attacks disabled its websites www.hic-mena.org and www.hlrn.org for two weeks, and obliged the organization to deploy exceptional human and financial resources for two months in order to ensure the web pages' security and data protection. The Network believe that the cyber-attacks were a reprisal following the publicity of their report at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III), which took place in Quito, Ecuador, October 2016.

112. In October 2016, when HIC-HLRN presented a report "Turkey: Forced Eviction and Urban Transformation as a Tool of War" at Habitat III, it is alleged that the Turkish delegation scolded HIC-HLRN officers. The report was also distributed to numerous United Nations special procedures and to OHCHR.

113. The origins of the attacks are unknown. The first attack to the HIC-HLRN web page was reportedly perpetrated by a hacking group self-identified as Yarma Security Team and the second attack to their Middle East/North Africa website was perpetrated by an unknown hacker. The second cyber-attack displayed a political message in the hacked frontal page reading "Hayali Kürdistan Olanın Mekanı Kabristan Olur" (The Imaginary Place Kurdistan becomes a Cemetery). HIC-HLRN had been monitoring the expropriations, evictions and demolitions taking place in Diyarbakır, in the Kurdish region of southeast Turkey.

114. Mr. Kursat Çevik, a Turkish police superintendent, was the subject of an opinion adopted on 16 June 2017 by the Working Group on Arbitrary Detention. Mr. Çevik was arrested, together with 15 of his colleagues, on 21 July 2016. He is allegedly suspected of being a member of a terrorist organization (the Gülen movement) and of treason, and is classified as an opponent to the Justice and Development Party. However, Mr. Çevik is being held in secret, without a confirmed charge, and his lawyer does not have access to his file. The Working Group noted in its opinion that it considered his detention to be arbitrary as it had not received convincing information that Mr. Çevik was informed of the charges against him after his arrest, nor was he informed promptly after the judicial order that justified his detention, was issued (see A/HRC/WGAD/2017/38, para. 73-76).

115. Following the issuance of the opinion, Turkish pro-Government media circulated information distorting the opinion of the Working Group containing various accusations against Mr. Çevik. On 4 August 2017, the Turkish pro-government media accused Mr. Çevik of having acted as an intelligence officer for the French government, and accused "the United Nations" of requesting his release "because he had been set to leave Turkey for

holidays" on 16 July 2016. The Working Group opinion also triggered reprisals at Mr. Çevik's place of detention, where his cell was reportedly moved to separate him from his friends and colleagues, and he was denied food and purchases from the prison mess (A/HRC/39/45).

116. On 31 July 2018 the Government responded to the allegations. With regard to the reported hacking of the websites of the Housing and Land Rights Network - Habitat International Coalition, the Government noted that the "perpetrators and/or sponsors of the attacks in question could be any source, based anywhere in the world" and that Turkish authorities are not in the possession of any previous record or information about the "Yarma Security Team." The Government further noted that it has committed to international efforts to identify cyber threats and build a more secure network, and will continue to work with United Nations agencies to this effect.

117. Pertaining to the case of Mr. Kursat Çevik, the Government affirmed it had submitted to the Working Group on Arbitrary Detention information on the procedures and remedies available, and that it rejected the conclusion that his detention was arbitrary. It further noted that Mr. Çevik was moved from Mardin Penitentiary to Sanhurfa Penitentiary on 17 July 2016, before the release of the report on 16 June 2017, and that subsequently "his cell was changed three times, in accordance with administrative needs." The Government stated he was not subject to solitary confinement, separated from other detainees with similar charges, or denied food or purchases from the prison mess. The Government further noted that there is no government media outlet in Turkey other than the Turkish Radio and Television Corporation, and any publication or broadcast by private media outlets reflect their own opinion.

28. Turkmenistan

118. On 18 May 2018 at the end of his visit to Kyrgyzstan, the Assistant Secretary-General for Human Rights attended the Human Rights Defender Platform Security Meeting for Central Asia and engaged with human rights defenders from four countries, but said he regretted that the OHCHR regional office had not felt able to invite representatives from Turkmenistan for fear that they might face intimidation or reprisals from their Government for cooperation with the United Nations.[27]

29. Venezuela (Bolivarian Republic of)

119. According to information received, representatives of the Government of Venezuela allegedly threatened and harassed four civil society representatives at a side event of the thirty-fifth session of the Human Rights Council on 6 June 2017. Mr. Alonso Medina Roa (Foro Penal), Mr. Julio Henriquez (Refugee Freedom Program), Ms. Laura Louza (Acceso a la Justicia) and Ms. Mercedes De Freitas (Transparencia Venezuela) were participating in a panel co-sponsored by the United States of America and were reportedly threatened that their passports would be confiscated.

120. Several civil society representatives are alleged to have been targeted by Mr. Diosdado Cabello Rondon, then member of the National Constituent Assembly and Vice-President of the United Socialist Party of Venezuela (PSUV). According to the allegations received, Mr. Diosdado Cabello Rondon has used his programme "Con El Mazo Dando," a weekly broadcast on Venezuelan public television, to launch a smear campaign against human rights defenders, including those that have cooperated with the Human Rights Council and OHCHR.

[27] OHCHR, "Kyrgyzstan: Ethnic minorities need equal treatment, says senior UN official; salutes Central Asian rights defenders," 18 May 2018.

Annex II

Information on alleged cases included in follow-up to previous reports

1. Algeria

1. The case of Mr. Rafik Belamrania was included in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 20 and Annex I paras 1-3). Mr. Belamrania, founding member of the Association pour les enfants des disparus forcés en Algerie – Mish'al, is the author of communication No. 2157/2012 against Algeria to the Human Rights Committee regarding the abduction, torture and summary execution of his father, Mr. Mohammed Belamrania, by the Algerian army in 1995. Three special procedures mandate holders raised concerns with the Government over alleged reprisals against Mr. Belamrania for publishing on Facebook on 14 February 2017, the decision of the Human Rights Committee, regarding the summary execution of his father in 1995 (A/HRC/36/25, DZA 2/2017). He was charged with "apology of terrorism," and accused of circulating photos and expressing his support for terrorist organizations, including Daesh.

2. On 15 November 2017, Mr. Belamrania was sentenced to five years in prison for "incitement to terrorism" and fined 100,000 Algerian dinars (860 USD). On 5 February 2018, he was sentenced on appeal to one year in prison followed by a two-year suspended sentence, and released on 16 February 2018. He was not granted any reparation or rehabilitation.

3. On 6 December 2018 the Assistant Secretary-General for Human Rights addressed the allegations of reprisals to the Government, who responded on 12 February 2018, reiterating their response of 29 May 2017 to special procedures that the allegations of arbitrary detention of Mr. Belamrania were unfounded as he was indicted for the "criminal offense of apology of terrorism," and that he benefited from all guarantees during his hearing and while in custody. The Government did not address the allegations of reprisals.

2. Bahrain

4. The case of Ms. Ebtesam Al-Alsaegh, of SALAM for Democracy and Human Rights, was included in the 2017 report of the Secretary-General (see A/HRC/36/31, Annex, para. 7) related to a travel ban imposed on her and others for their cooperation with the Human Rights Council and the universal periodic review, in particular their participation in the thirty second session in June 2016 (A/HRC/34/75, BHR 4/2016).

5. On 20 March 2017, after attending the Human Rights Council, Ms. Alsaegh was detained for several hours at Bahrain International Airport by agents of the National Security Agency and interrogated at length about her participation in the Council; she was searched, threatened and had her passport subsequently confiscated. On 26 May 2017, she was allegedly subjected to seven-hours of physical and psychological torture while she was interrogated by officers of the National Security Agency, and sexually assaulted. On 4 July 2017, two special procedures mandate holders raised concerns regarding her alleged arbitrary arrest and incommunicado detention in an apparent reprisal for her cooperation with United Nations human rights mechanisms (BHR 8/2017).

6. On 13 July 2017 four special procedures mandate holders raised urgent concerns when information was received that on 4 July 2017, Ms. Al-Saegh was again detained by security forces who raided her home (BHR 9/2017). She was reported to have been held in solitary confinement at Isa Town women's prison and transported daily to an unknown location where she was interrogated for up to 14 hours without access to a lawyer. There were fears she would be tortured and sexually abused. While in detention she went on a hunger strike on 12 July 2017. On 18 July 2017, she was charged under the anti-terrorism law and subsequently released, although the charges have not been dropped. On 8 August 2017 the Government responded that an investigation into the activities of Ms. Al-Saegh noted that she was associated with establishing the "Manama Human Rights Observatory" and was "hiding behind human rights activities" while supporting an operation that

impeded law enforcement activities and promoted the commission of acts of terrorism, including colluding with the Alkarama Foundation to which she was sending false and misleading information to bring the Kingdom of Bahrain into international disrepute. The Government notes that Ms. Al-Saegh was arrested on 4 July 2017 in accordance with the law and charged with "membership in an unlawful terrorist group." The Government detailed the procedures of arrest, detention and treatment of Ms. Al-Saegh, including that she had been sent to the prison clinic in relation to the hunger strike. The Government did not address the allegations of reprisals.

7. On 25 June 2018 the Government, in a reply to the Assistant Secretary-General for Human Rights, stated that Ms. Al-Alsaegh was charged with six criminal offences: affiliation and participation in acts of terrorist organization, spying for a foreign terrorist organization to commit terrorist acts, accepting donations from a foreign terrorist organization for committing terrorist acts in the Kingdom, funding and donating to organizations which knowingly commit terrorist acts, spreading false news that may harm national security and public order, and participation in a demonstration with the intention of assaulting security forces, public property and destabilising public security. A travel ban was issued against her on 19 April 2017 and lifted on 13 July 2017.

8. During the thirty-eighth session of the Human Rights Council in June 2018 it was further reported that Ms. Al-Saegh published a series of tweets highlighting a range of human rights concerns in Bahrain. An account called @godkingcountry responded to her tweets by making threats against her, including referencing the sexual assault that she suffered previously during her arrest and torture and threatening further rape should she not end her human rights work on social media and with international mechanisms. Following the responses from @godkingcountry on Twitter, a second account (@turkialmajed7) began sending additional threatening messages to Ms. Al-Saegh on Instagram's direct messenger service, which was sent to a third party who was told to forward the messages to Ms. Al-Saegh. The messages claimed responsibility in the death of Ms. Al-Saegh's neighbor and threatened Ms. Al-Saegh that she would share his same fate. The messages also explicitly noted to "inform Ebtesam" that they would publish videos taken of her while in security custody in May 2017 when security officers filmed her in various states of undress during her interrogation, sexual assault, and torture.

9. Mr. Nabeel Rajab, of the Bahrain Center for Human Rights, was mentioned in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 23 and Annex, para. 6). On 21 June 2016, the Spokesperson of the High Commissioner for Human Rights expressed deep concern that Mr. Rajab was arrested on 13 June 2016 for "spreading false news and rumours about the internal situation in a bid to discredit Bahrain." He had been subject to a travel ban since at least January 2015. The High Commissioner for Human Rights expressed concern that these and subsequent actions against Mr. Rajab were connected to his engagement with the Human Rights Council. He was reportedly denied medical treatment by prison administrations while he awaited the results of his appeal trial in ill-health until a 5 June 2018 hearing which decided on an additional five-year sentence. He is now expected to pursue a final appeal before Bahrain's Court of Cassation. On 25 June 2018 the Government stated that freedom of movement in Bahrain is guaranteed by law, and that Mr. Nabeel Rajab was not subject to reprisals for his cooperation with the United Nations, but that he is responsible for criminal offenses. Regarding the claims that Mr Rajab has not received medical care during his prison sentence, the Government stated that the Kingdom ensures and guarantees the safety and health of all citizens.

10. On 19 December 2017, three special procedures mandate holders expressed concern that Ms. Nedal Al-Salman, of the Bahrain Center for Human Rights, was prevented from leaving Bahrain multiple times in 2017 due to travel bans, including while on her way to speak at meetings related to the Human Rights Council (BHR 13/2017). On 19 September 2017 Ms. Al-Salman was summoned and charged by the Public Prosecution of Bahrain for "illegal gatherings" under charges stemming from the Anti-Terrorism Law, and placed under a formal travel ban. In August 2016, Ms. Al-Salman was prevented from travelling to Geneva to participate in meetings during the 33rd session of the Human Rights Council, and was the subject of an allegation letter on 25 November 2016 by three special procedures mandate holders (BHR 7/2016). At the time of writing the Government had not responded to the special procedures' communications of 25 November 2016 or 19 December 2017.

11. On 25 June 2018 the Government responded to the letter of the Assistant Secretary-General and stated that Ms. Al-Salman was banned from travel in 2016 according to the procedure of investigations of the General Prosecutor, and that the ban was lifted immediately once the investigations were over. On 30 August 2017, another travel ban was issued to her, due to an investigation relating to her participation and demonstration in a non- authorized march.

3. Burundi

12. The cases of Mr. Armel Niyongere, Mr. Dieudonné Bashirahishize, Mr. Vital Nshimirimana, and Mr. Lambert Nigarura were included in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 24 and Annex, paras. 11-15). The four lawyers had contributed to an alternative report submitted to the Committee against Torture for the consideration of the special report of Burundi, and Mr. Niyongere, Mr. Bashirahishize, and Mr. Nigarura had attended the interactive dialogue between Burundi and the Committee on behalf of the civil society organisations they represented.. . On 29 July 2016, during the second day of the dialogue between the Committee and the Government, the Government suspended its participation at the session and the delegation was absent. The Committee was immediately informed of a letter from the Attorney General of Bujumbura, dated 29 July 2016, requesting that the Bujumbura Bar Association disbar the four lawyers.

13. On 16 January 2017, the Bujumbura Court of Appeal disbarred Mr. Niyongere, Mr. Dieudonné Bashirahishize and Mr. I Nshimirimana, and suspended Mr. Nigarura for a period of one year and denied him participation in the Conseil du l'Ordre des Avocats for a period of five years. However the Court decision has not been communicated to the victims, thus denying them a right of appeal and without any further recourse or remedy.

The Committee noted in a letter of 27 February 2017 that it considers the verdict of the court as an act of reprisal for the individuals' engagement with the Committee and the United Nations human rights system. At the time of writing no response had been received from the Government.

4. China

14. The 2017 report of the Secretary-General (see A/HRC/36/31, Annex paras. 22-24) referred to the disappearance of Mr. Jiang Tianyong, a prominent human rights lawyer who had met with Mr. Philip Alston, Special Rapporteur on extreme poverty and human rights during his visit to China in August 2016. On 2 December 2016, four special procedures mandate holders raised concerns regarding actions taken against Mr. Jiang, including that his disappearance may have occurred, at least in part, in reprisal for his cooperation with the Special Rapporteur (A/HRC/34/75, CHN 13/2016).

15. On 6 September 2017 four special procedures mandate holders called on the Government to immediately release Mr. Jiang, who was on trial for inciting subversion of the State's power and expressed concerns over a lack of fair trial standards.[1] They expressed concern that he had been detained and under surveillance at an unknown location for more than nine months, without access to his family or a lawyer of his own choosing, and that he may have been subjected to torture and ill-treatment. The special procedures mandate holders stated that "Mr. Jiang's 'crime' apparently included communications with foreign entities, which potentially include the United Nations human rights mechanisms, giving interviews to foreign media, and receiving training on the Western constitutional system, all of which have been carried out in the course of his work as a lawyer."[2]

16. Mr. Jiang was found guilty of inciting subversion of the State's power on 21 November 2017 by the Changsha Intermediate People's Court and sentenced to two years jail. On 23 November 2017, four special procedures mandate holders condemned the verdict and appealed to the Government to unconditionally release Mr. Jiang, noting that "Mr. Jiang's trial clearly fell short of international standards and his conviction represents an unfair and arbitrary punishment of a human rights lawyer and defender, whose only

[1] OHCHR, "UN experts urge China to release lawyer Jiang Tianyong currently on trial for subversion," 6 September 2017.

[2] *Ibid.*

crime was to exercise his rights to free speech and to defend human rights."[3] They had previously expressed concern that his confession may have been coerced by the use of torture. On 23 March 2018, five special procedures mandate holders issued another statement regarding Mr. Jiang's deteriorating health conditions while in detention and called on the authorities to give him urgent medical attention.[4] The Government in its response to the special procedures' communications of 2 December 2016 (CHN 13/2016) and 28 December 2016 (CHN 15/2016) respectively stated that Mr. Jiang had been charged with illegal possession of classified State documents with the intention of illegally transmitting State secrets abroad. It further noted that he has also received long-term funding and support from abroad and has identified himself as a "citizen agent," interfering in several sensitive cases. The Government noted that he fabricated and disseminated rumours online, incited petitioners of the Government and the family members of persons involved in the cases to oppose State authorities, interfered with the administration of justice, and disturbed public order. The Government stated that Mr. Jiang has admitted to committing offences. The Government did not address the allegations of reprisals.

5. Egypt

17. It was reported in the 2017 report of the Secretary-General that on 3 May 2017, four special procedures mandate holders expressed concerns about the abduction, detention, torture and ill-treatment of Dr. Ahmed Shawky Abdelsattar Mohamed Amasha (see A/HRC/36/31, para. 39), reportedly in retaliation for his human rights work documenting cases of enforced disappearances for the special procedures (A/HRC/36/25, EGY 5/2017). On 10 March 2017, Dr. Amasha was allegedly abducted by police officers in Cairo, and no information was given about his whereabouts until 1 April 2017. He was charged on 13 April 2017 with "belonging to a banned group" under the Anti-Terrorism Law of Egypt and transferred to the Tora prison of Cairo. It was alleged that following his abduction on 10 March 2017, he was secretly detained at the Central Police station of Abbasiya in the Cairo Governorate and subjected to torture and ill-treatment. On 27 April 2017, his detention was prolonged. There are serious concerns that the acts committed against Dr. Amasha constitute acts of reprisals against him for documenting cases of enforced disappearances for the special procedures (see A/HRC/39/31, para. 39).

18. During its eightieth session in November 2017, the Working Group on Arbitrary Detention rendered its opinion that the detention of Mr. Amasha and other individuals was arbitrary, and requested the Government of Egypt to ensure his and others' immediate release and to take steps to remedy their situation, including, by according them an enforceable right to compensation and other reparations. The Working Group also referred the case to the Coordinating Committee of the Special Procedures and the Assistant Secretary-General for Human Rights (see A/HRC/WGAD/2017/78, paras. 89-93).

19. The 2017 report of the Secretary-General addressed allegations of reprisals against civil society members in the form of asset freezes (see A/HRC/32/52/Add.1, para. 662 and A/HRC/36/31, para. 30). Staff members of the Cairo Institute for Human Rights Studies (CIHRS) and members of their families are alleged to have been targeted for their cooperation with United Nations mechanisms and their meetings with United Nations representatives, and are being subject to asset freezes. Mr. Mohamed Zaree, who has been banned from travelling outside Egypt in relation to this legislation (case 173/2011), was interrogated on 24 May 2017 by a judge as part of the ongoing prosecution of the foreign funding case, and has reportedly been accused of submitting information to the United Nations. He had also been accused of intending to harm Egypt through his role in preparing for the universal periodic review in 2014. Reportedly, Mr. Zaree was questioned for allegedly receiving foreign funds for an unregistered entity (CIHRS) and using them for unlawful activities with the intent of harming national security and interests. In May 2017 the judge pressed three charges, including two felonies, and set his bail at 30,000 Egyptian pounds. Mr. Bahey El-Din Hassan and his family have been subject to asset freezes, and most recently to death threats in relation to a memo sent by seven Egyptian civil society

[3] OHCHR, "China: UN experts condemn jailing of human rights lawyer Jiang Tianyong," 23 November 2017.

[4] OHCHR, "China: UN experts concerned about health of jailed rights lawyer Jiang Tianyong," 23 March 2018.

organizations to the United Nations Secretary-General regarding the presidential elections. These death threats were reportedly made on television on 21 March 2018 and, prior, on 25 May 2017.

20. On 1 June 2017, the High Commissioner for Human Rights addressed legislation adopted on 24 May 2017 (Law 70 of 2017 for Regulating the Work of Associations and Other Institutions Working in the Field of Civil Work),[5] noting that the work of non-governmental organisations has been severely hampered already through asset freezes, travel bans, smear campaigns and prosecutions, and he expressed serious concern that the new legislation imposes severe restrictions on civil society and impinges on the exercise of the rights to freedom of expression and freedom of association. This was addressed previously on 23 November 2016 by three special procedures (A/HRC/34/75, EGY 14/2016). The Assistant Secretary-General for Human Rights sent a letter to the Government on 28 April 2017 where he addressed concerns about some provisions under the then draft law that would undermine civil society's ability to engage freely with the United Nations, including provisions that would require them to seek Government permission before working with international organizations or experts, and that would defer administration of such international engagement to the Government.

21. On 31 July the Government provided an update. Regarding the case of Mr. Amasha, the Government noted that the accused is in pre-trial detention based on case number 316 of 2017 on charges of joining a group established contrary to law, calling for demonstrations without authorization, incitement to violence and other charges. He was recommended to undergo medical treatment and to follow up with the medical consultant in the prison's clinic.

22. Regarding the case of the Cairo Institute for Human Rights Studies and its staff members, the Government noted that Decision number 325 of 2011 assigned a Judge to investigate the legal violations of foreign funding received by associations and non-governmental organizations operating in Egypt in violation of the provisions of the Law on Associations and NGOs, including this organization, its founder, Mr. Hassan and its director, Mr. Zaree. The Judge requested that the relevant individuals be prohibited from making use of their real estate as well as movable and liquid assets in accordance with the provisions of Article 208 of the Criminal Procedure Code, to ensure that the court's decision is complied, in case the court decides to impose fines or order compensation for the charges attributed to them, which are punishable by the Penal Code and Law No. 84 of 2002 on associations and civil institutions. The Government noted that the Cairo Institute for Human Rights Studies is not registered with the Ministry of Social Solidarity, and that financial transfers from abroad were received illegally in violation of the provisions of Law No. 84 of 2002, which governs the work of associations and civil institutions. Regarding the allegations that Mr. Hassan and his family were subjected to threats, the Government noted that they could submit a communication to the Public Prosecutor's Office, since such a threat, if it has occurred, is unacceptable in breach of the law.

6. India

23. In the 2017 report of the Secretary-General, intimidation and reprisals against Mr. Khurram Parvez, Chairperson of the Asian Federation Against Involuntary Disappearances and Program Coordinator of the Central Jammu and Kashmir Coalition of Civil Society (JKCCS), were reported in relation to his cooperation with the Human Rights Council, the Working Group on Enforced and Involuntary Disappearances and the universal periodic review. These reprisals took the form of a travel ban and arbitrary arrest and detention, reportedly because Mr. Parvez was fomenting an "anti-India narrative," propagating separatism, and inciting others to violence. Reprisals were apparently taken against him for documenting and sharing information with the United Nations on human rights violations in Jammu and Kashmir, including on behalf of victims. At the time of his preventive detention of 76 days in 2016, he was accused in four criminal cases, which were subsequently dropped by the Jammu and Kashmir High Court who held that he had been

[5] OHCHR, "Repressive new NGO law deeply damaging for human rights in Egypt – Zeid," 1 June 2017.

detained arbitrarily. However, the police have still filed "First Information Reports," before a court in Srinagar for three cases, for which he is awaiting hearings.

24. Mr. Parvez was a source of information collected from June 2016 to April 2018 for an OHCHR report published in June 2018 on the human rights situation in the State of Jammu and Kashmir[6] and has reportedly suffered reprisals for his assistance. Defaming content against the JKCCS and Mr. Parvez is reportedly being circulated by a group that claims to have ISIS affiliation. The group has publicly incited death threats against Mr. Parvez and his family, and used slanderous language against the work of the JKCCS.

7. Iran (Islamic Republic of)

25. The case of Ms. Raheleh Rahemipor was referred to in the 2017 report of the Secretary-General (see A/HRC/36/31, para 37 and Annex, paras. 41-42. On 16 May 2018, four special procedures mandate holders raised concerns over allegations of reprisals in the form of continuous judicial harassment for her efforts in seeking the truth about the fate and whereabouts of her brother and his infant daughter (IRN 9/2018). Ms. Rahemipor is a 65 year-old human rights defender, the sister of Mr. Hossein Rahemipor and the aunt to his infant daughter, whose disappearances have been registered with the Working Group on Enforced and Involuntary Disappearances since June 2016.

26. In February 2017, Ms. Rahemipor was sentenced by the Branch 15 of the Revolutionary Court in Tehran to a year in prison "for spreading propaganda against the system." In September 2017, she was arrested while her first case was still pending in the court of appeal. During her interrogation, she was allegedly pressured to withdraw the complaints that stand before the Working Group and in return the prosecution against her, would be stopped, which she refused. She was released on bail after being held in detention for one month. Similar concerns were raised in previous communications sent by the special procedures on 5 August 2016 (IRN 23/2016), on 22 November 2016 (IRN 29/2016), on 26 January 2017 (IRN 3/2017) and on 18 September 2017 (IRN 27/2017). A reference to her case was included in the February 2018 report of the Secretary-General on the situation of human rights in Iran (see A/HRC/37/24, para.47). A response by the Government was received on 27 October 2017 but it did not address the allegation that Ms. Rahemipor is being judicially harassed as a form of reprisal because she registered the disappearance of her brother and niece with the Working Group on Enforced and Involuntary Disappearances.

27. On 5 May 2018, it was further reported that Ms. Rahemipor was tried by the Branch 28 of Tehran Revolutionary Court on the same charge as in February 2017, of "spreading propaganda against the system" for informing the Working Group about the cases of her relatives and for participating in peaceful protests with other activists, where she held a poster reading "You killed my brother. What did you do with his child?" During the court session, the judge humiliated and verbally abused her for having communicated with organizations outside Iran including United Nations bodies. The judge said that the authorities made a mistake by releasing her on bail in the first case against her, and that she should have been kept in prison. While she is awaiting the outcome of this new trial, her other case in the appeal court is still pending.

8. Iraq

28. In the 2016 report of the Secretary-General (see A/HRC/33/19, para. 24), it was noted that on 13 April 2016, three special procedures mandate holders raised concerns over allegations of reprisals against Mr. Imad Amara and Mr. Faisal al-Tamimi, of Al Wissam Humanitarian Assembly, an NGO that documents cases of enforced disappearances in Iraq and submits them to the United Nations human rights mechanisms (see A/HRC/33/32, IRQ 1/2016). On 6 March 2016, Iraqi military forces stopped and searched Mr. Amara and Mr. Al-Tamimi's car while the two men were on their way to meet families of disappeared persons. Both men were informed that a warrant had been issued for their arrest, before being handcuffed, blindfolded and taken to an unknown location. Mr. Amara and Mr. Al-

[6] OHCHR, Report on the Situation of Human Rights in Kashmir: Developments in the Indian State of Jammu and Kashmir from June 2016 to April 2018, and General Human Rights Concerns in Azad Jammu and Kashmir and Gilgit – Baltistan, 14 June 2018.

Tamimi were severely beaten, insulted and threatened while being interrogated about their work for around two hours, before being released. The special procedures also raised concerns over reports that other employees of Al Wissam had previously been subjected to intimidation and reprisals relating to the submission of cases to the Committee on Enforced Disappearances, and some had left the country out of fear for their security.

29. On 10 April 2018, three special procedures mandate holders raised allegations of death threats and attempted killing against Mr. Al Tamimi and Mr. Al Roumy in what appears to be direct retaliation for their legitimate human rights work against enforced disappearances in Iraq and for urging the State to join the International Criminal Court (IRQ 2/2018). While recognising the independent judicial character of the International Criminal Court, the Court is regarded as a related organization in the United Nations System. The men were threatened after attending a preparation meeting for a conference aimed at calling on Iraq to join the Court, following which three cars stopped next to them and one of the men inside made the following threat "Iyad and Faisal, either your life or the conference." On 5 February 2018, two days after the conference, both individuals were approached by a car near the Sheikh Maruf Square in Baghdad. One of the persons in the car opened fire on them and shot five times. Mr. Al Tamimi was injured and was brought to the Medical City Hospital in Baghdad, where he received medical treatment. On 4 March 2018, both Mr. Al Roumy and Mr. Al Tamimi received threats through Facebook messages. At the time of writing no response has been received.

9. Japan

30. In the 2016 report of the Secretary-General (see A/HRC/33/19, para. 25), reference was made to an urgent appeal to the Government by three special procedures mandate holders on 30 May 2016 alleging the monitoring and surveillance of Ms. Kazuko Ito, of non-governmental organisation Human Rights Now. Ms Ito had facilitated and organised meetings for Mr. David Kaye, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, with representatives of civil society during his visit to Japan in April 2016 (see A/HRC/34/52/Add. 1, paras. 399 and 400; JPN 4/2016). These allegations stemmed from a magazine that reported information obtained through a leaked memo allegedly produced by Japanese intelligence agency members ordering the surveillance of Ms. Ito's movements ahead of the Special Rapporteur's visit to Japan. They expressed concern that the allegations of surveillance of Ms. Ito could be an act of intimidation and reprisal for her cooperation with the United Nations. Human Rights Now has been cooperating with the United Nations mechanisms since 2013, including the universal periodic review and the Commission on the Status of Women (CSW).

31. The 2017 report noted the Government's response of 16 June 2016 that, the allegations were investigated by the Public Security Intelligence Agency and the National Police Agency, who each confirmed that they "had neither received such instructions nor conducted such research activities as were reported by the media" (see A/HRC/36/31, Annex, para. 5).

32. In May 2018 it was reported that Ms. Ito and Human Rights Now continue to be targeted due to their cooperation with the United Nations. On 9 March 2018, during a videotaped session of the House of Representatives Committee on Cabinet, a member of the Diet and Liberal Democratic Party addressed government representatives where she characterized Human Rights Now as "(a)n organization that makes use of the United Nations and other [international forums] to spread around the world the fabricated information that the "comfort women" of the Japanese army were sex slaves, and does that with lots of enthusiasm; that's what Human Rights Now is." Human Rights Now had organised a side event on "comfort women" at the Commission on the Status of Women. The Diet member also reportedly requested the Diet to "control NGOs' international forms of speech" in their collaborative activities with the United Nations and said, "it is obvious that there are people trying to use propaganda to discredit Japan," which was reiterated on social media. Human Rights Now sent two letters to the Chairman of the House of Representatives Committee on Cabinet and to the Liberal Democratic Party on 27 March 2018 regarding these allegations. The Government of Japan responded on 15 August 2018 that "it asked both the Liberal Democratic Party and the Secretariat of the House of Representatives about the letters mentioned. The Liberal Democratic Party replied that it

cannot confirm if it received the letter because it has no information on which department of the Party the letter was addressed to. The Secretariat of the House of Representatives replied that the chairman has not responded to the letter from that organization."

10. Mexico

33. As reported in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 41 and Annex 47-50), on 4 August 2015 the Committee against Torture, in *Ramirez et al. v. Mexico*, found a violation of articles 1, 2 (1), 12-15 [illegible] 22 of the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT/C/55/D/500/2012 and communication No. 500/2012). On 19 May 2016 and 19 September 2016, the complainants submitted that they had suffered acts of intimidation and harassment by the authorities as a result of the Committee's decision. This allegedly took the form of a campaign aimed at stigmatizing the complainants as criminals and re-victimizing them. On 19 September 2016, the CAT requested protective measures.

34. Given the absence of a response by the Government to the allegations of reprisals of 19 September 2016, the Chair of the Committee met with the Permanent Representative of Mexico in Geneva on 14 May 2018 to discuss measures taken by the authorities to implement the Committee's decision. The Chair enquired about the outcomes, if any, of the investigation into the acts of torture, punishment of the perpetrators, and protection of the complainants from reprisals reported to the Committee in September 2016. The Chair further inquired whether all four complainants in the case have been released and if they received the remedies requested by the Committee.

35. According to an update received on 25 May 2018, two of the four victims remain in detention and are held in extremely precarious conditions with no regard to their condition as victims of torture and were transferred, without prior notice, to prisons with even harsher conditions. One victim has been diagnosed with a medical condition and is need of treatment, which he has not received. With regard to the two victims that were released, their families continue to face harassment and stigmatization, to the extent that they were forced to change residences.

36. During the meeting with the Chair of the Committee Against Torture on 14 May 2018, the Government committed to provide updated information from the national authorities and to submit its response to the Committee on the measures taken to implement the decision on the case by 14 July 2018. The Committee will meet with the Government during the sixty-fifth session of the Committee from 12 November to 7 December 2018.

11. Morocco

37. In the 2017 report of the Secretary-General concerns were raised about the prolongation of the detention of Mr. Abdul Rahman Alhaj Ali, which the Committee Against Torture deemed likely to be related to the complaint to CAT on his behalf on 22 May 2015 (see A/HRC/36/31 para. 42 and Annex paras. 51-52). On 3 August 2016, the Committee against Torture, in *Abdul Rahman Alhaj Ali v. Morocco*, found that the extradition of Mr. Alhaj Ali would constitute a breach of Article 3 of the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT C/58/D/682/2015 and communication No. 682/2015). Mr. Alhaj Ali, a Syrian national registered with the United Nations High Commissioner for Refugees and seeking asylum in Morocco, was detained in October 2014 in Morocco on an extradition request by Saudi Arabia for "breach of trust" based on previous business relations in Riyadh. The Committee urged the Government to release him or to try him if charges are brought against him in Morocco, as he had been in extradition detention for almost two years, far in excess of the sixty-day pretrial period provided for in Morocco.

38. According to updated information received by the Committee, during his detention in 2017 Mr. Alhaj Ali was twice summoned to the Prosecutor's office, where he was reportedly notified that the extension of his detention resulted from action on behalf before the CAT. On 5 October 2017, the Committee requested the Government to provide further information, within 2 months, on the measures taken to implement the Committee's decision in this case. On 28 November 2017, the Committee decided to request a meeting

with a representative of Morocco during its sixty-third Session, 23 April to 18 May 2018. On 17 May 2018, the Committee's Rapporteur on Reprisals, together with the rapporteur for follow-up to decisions on individual complaints under Art. 22, met with a representative of the Permanent Mission of the Kingdom of Morocco in Geneva to discuss, inter alia, the implementation of the Committee's decision in the present case (CAT/C/62/3 of 20 February 2018 and CAT/C/63/3).

39. On 6 June 2018, the Government confirmed that the complainant was released from detention on 16 May 2018, after more than three-and-a-half years of arbitrary detention. He is reported to be awaiting resettlement to the Netherlands where his family resides.

40. In the 2016 report of the Secretary-General (see A/HRC/33/19, para. 26), it was reported that on 22 March 2016 three special procedures mandate holders raised concerns with the Moroccan authorities over allegations of reprisals against Ms. El Ghalia Djimi, an employee of the Ministry of Agriculture and Maritime Fishing of Morocco and member of the l'association Sahraouie des victimes des graves violations des droits de l'homme commises par l'état du Maroc, l'ASVDH (A/HRC/33/32, MAR 1/2016). In the 2017 report of the Secretary-General (see A/HRC/36/31, Annex para. 6) it was reported that Mr. Michel Forst, the Special Rapporteur on the situation of human rights defenders, in his report on observations on communications, reiterated concerns that Ms. Djimi did not receive authorization to leave the country to travel to the thirty-first session of the Human Rights Council in Geneva (see A/HRC/34/52/Add.1, para 722). The mandate holder further expressed concern that the case of Ms. El Ghalia Djimi is not isolated, but is rather representative of a larger trend of reprisals, harassment and intimidation of human rights defenders. Information was subsequently received that Ms. El Ghalia Djimi was able to attend the thirty-second session of the Human Rights Council.

41. It was further reported that after the participation of Ms. Djimi in a session of the Working Group on Enforced and Involuntary Disappearances on 30 April 2018 in Geneva, she was subject to reprisals in the form of online defamation on a Moroccan website "Sahrawikileaks.com." It was also reported that Ms. Mina Baali, also a member of the association, participated in the Human Rights Council at the June 2017 session, and believes because of this, she has become subject to reprisals at her place of employment.

12. Myanmar

42. The case of Mr. Khaing Myo Htun (also known as Mr. Khine Myo Htun), a human rights defender who had reported on forced labour cases in Rakhine State, was addressed by four special procedures mandate holders (A/HRC/34/75, MMR 2/2016, MMR 7/2017) and included in the September 2017 report of the Secretary-General (see A/HRC/36/31, para. 43 and Annex, paras. 53-55). On 8 September 2017 the Government responded to the special procedures communication (MMR 7/2017) pertaining to the charges related to defamation and incitement. It is alleged that the arrest and detention of Mr. Khaing Myo Htun was linked to his cooperation with Ms. Yanghee Lee, the Special Rapporteur on the situation of human rights in Myanmar, with whom he met during her visit in June 2016 shortly before his detention. The charges against him relate to a written statement issued on 24 April 2016 by the Arakan Liberation Party, of which Mr. Khaing Myo Htun is a member, claiming that the Myanmar Army had engaged in severe human rights violations, including forced labour, forced land relocation, hostage taking, and arbitrary beatings and ill-treatment of combatants.

43. The ILO Governing Body noted in its report of 7 February 2018 that it remained deeply concerned that on 12 October 2017, Mr. Khaing Myo Htun, was convicted of defamation and incitement under section 505 of the Penal Code and sentenced to 18 months in jail, following eight months in detention during his trial. Ms. Lee, in her March 2018 report to the Human Rights Council, noted that he was convicted of disturbing public tranquillity and incitement under Sections 505(b) and (c) in October 2017 for allegations he made about forced labour the Myanmar security forces. Subsequently, after 19 months Mr. Htun was released on 22 February 2018 (see A/HRC/37/70, para. 15).

13. Pakistan

44. On 26 July 2017, four special procedures mandate holders sent an urgent appeal to the Government alleging threats and acts of intimidation against Mr. Adil Ghaffar, a lawyer and human rights defender who has brought to the attention of the United Nations human rights mechanisms, cases of extrajudicial killings, torture, and enforced disappearances allegedly committed by State agents against members of the political party and movement Muttahida Quami Movement, including persons belonging to the Mohajirs community (PAK 5/2017).

45. According to the information received, Mr. Ghaffar's home has been monitored and he has received direct death threats from the twitter account @PakRangersFreePress. This account reportedly belongs to Pakistani Paramilitary Rangers, who have been accused of of serious human rights violations against MQM workers and ethnic Mohajirs.

46. The first threat received was on 1 July 2017, from a tweet referring to Mr. Ghaffar as a "traitor of Pakistan." It stated that if someone needs his residential address and details about his family they should contact the sender. On 14 July 2017, Mr. Ghaffar received another message from the social media account @PakRangersFreePress, which asked "what punishment is fit for the traitor." The special procedures expressed serious concern that these reported threats and acts of intimidation appear to be reprisals against Mr. Ghaffar at least in part due to his engagement with the United Nations human rights mechanisms. At the time of writing there had been no response to the urgent appeal.

14. Rwanda

47. In the 2017 report of the Secretary-General it was noted that two special procedures mandate holders sent an urgent appeal to the Government (RWA 1/2017) on 18 January 2017, in response to allegations of kidnapping and intense daily interrogation against journalist and human rights defender Mr. Robert Mugabe (see A/HRC/36/31, para. 48 and Annex, paras. 62 and 65) for his cooperation with the universal periodic review and the Human Rights Council (A/HRC/35/44).

48. On 30 May 2018, Mr. David Kaye, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, wrote to the Government in response to allegations that while Mr. Mugabe was travelling to Geneva to attend the 2017 United Nations Internet Governance Forum on 15 December 2017, he was stopped by the authorities at the airport in Kigali and barred from leaving the country (RWA 1/2018). He was reportedly detained and questioned for several hours on accusations of "working against the state, treason, and spreading rumours to undermine the state..." based upon his critical reporting published online. The police searched his bags and phone and questioned him about his activities related to the Human Rights Council. He was released after four hours of questioning to return home. On 16 December 2017 he was reportedly summoned again to the police, and criminal investigations from January 2017 were reopened against him, which could lead to formal charges. If convicted for treason, Mr. Mugabe could face 25 years in prison. At the time of writing the Government had not responded to the communications by the special procedures of 18 January 2017 and 30 May 2018.

15. Saudi Arabia

49. It was reported that on 16 September 2017, Mr. Issa Al-Hamid, of the Saudi Civil and Political Rights Association (ACPRA) was arrested, following previous sentences imposed by the Saudi authorities during a crackdown on human rights defenders. The 2017 report of the Secretary-General (see A/HRC/36/31, para. 49 and Annex, paras. 66-67) noted that three special procedures mandate holders took action on the case of Mr. Al-Hamid, who was sentenced to 11 years in prison followed by an 11-year travel ban and a fine of 100,000 Riyals (SAU 8/2016). He was originally sentenced to nine years by the Specialized Criminal Court for having, inter alia "communicated with international organizations in order to harm the image of the State," a charge that according to special procedures appear to also constitute acts of reprisal for cooperation with the United Nations. His sentence was increased by two years on 1 December 2016 by the Court of Appeal.

50. On 13 December 2016, three special procedures mandate holders raised concerns over allegations of reprisals against Mr. Al-Hamid for cooperating with the United Nations (A/HRC/35/44, SAU 8/2016). In its reply dated 13 February 2017, the Government did not address the case of Mr. Al-Hamid, as a response concerning his case had been provided already in relation to a previous communication (SAU 4/2016) in which the Government informed that he was sentenced by a lower court to nine years of imprisonment and a ban to travel outside the Kingdom for a similar period. The Government did not address the allegations relating to reprisals.

16. Thailand

51. The 2017 report of the Secretary-General (see A/HRC/36/31, para. 57 and Annex, paras. 78-79) noted that, in June 2016, grant recipients of the United Nations Voluntary Fund for Victims of Torture, Ms. Porpen Khongkachonkiet and Mr. Somchai Homla-or of Cross-Cultural Foundation and Ms. Anchana Heemmina of Duay Jai Group, were subject to a legal complaint filed by the Royal Thai Army operating in the Southern Border Provinces for publishing a report in February 2016 entitled "Fifty-four cases of torture and ill-treatment in the Deep South documented in 2014-2015," funded in part by the Voluntary Fund. They were consequently accused of publicizing false information on torture and ill-treatment committed by military officials. The spokesperson of the Royal Thai Army in the region issued a public statement on 11 February 2016 accusing the organization of bias and of using outdated information to seek funding.

52. It is reported that the Internal Security Operations Command (ISOC) Region 4 filed a lawsuit against them for defamation and publication of false information on the internet. On 1 July 2017, plainclothes men believed to be military personnel visited Ms. Hemmina and warned her not to post comments about human rights violations on social media. Further to advocacy efforts related to the allegations, in November 2017, the ISOC 4 withdrew the defamation charges against Ms. Porpen Khongkachonkiet, Mr. Somchai Homla-or, and Ms. Anchana Heemmina. The charges were dropped by the Pattani Provincial Prosecutor.

53. On 13 September 2017 four special procedures mandate holders noted that Ms. Angkhana Neelapaijit, Ms. Porpen Khongkachonkiet and Ms. Anchana Heemmina, among others, were also reportedly subject to an online smear campaign, accusing them of bias and misinformation, and associating their human rights advocacy with the promotion of insurgency and separatist movements (THA 6/2017). Ms. Angkhana Neelapaijit is a Commissioner of the National Human Rights Commission of Thailand. Beginning in October 2016, the online blog "Conditions in South Thailand" regularly published content discrediting the work of Ms. Khongkachonkiet and Ms. Heemmina. Death threats were also posted online against Ms. Khongkachonkiet.

54. It was reported that on 14 February 2018, a case was opened against Mr. Ismaael Teh, founder of the Patani Human Rights Organization Network and a field officer since 2013 for an investigation funded by the United Nations Voluntary Fund for Victims of Torture (see A/HRC/36/31, para. 57 and Annex, paras. 78-79). Mr. Teh is responsible for helping document 82 cases of allegations of torture that were submitted by civil society representatives to the Committee Against Torture. Military officials of the Internal Security Operations Command Region 4 (ISOC Region 4) via the Pattani Provincial Police reportedly accused Mr. Teh of defamation following a television interview in which he recounted his own personal experience of torture while in military custody in Pattani province, in 2006. In October 2016, the Supreme Administrative Court had ruled that Mr. Teh had been physically abused in military custody based on medical records, and ordered the Thai Royal Army to award him compensation. Mr. Teh's interview was broadcast on a Thai PBS program on 5 February 2018, after which he was accused of defaming the 4th Army Region and ISOC Region 4.

17. United Arab Emirates

55. Mr. Ahmed Mansoor, advisor to the Gulf Centre for Human Rights and Human Rights Watch's Middle East and North Africa Division, was mentioned in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 60 and Annex, paras. 84-85) and was the

subject of actions by seven special procedures mandate holders (ARE 1/2017; ARE 7/2017). Mr. Mansoor is alleged to have suffered intimidation and reprisal for his collaboration with the Human Rights Council, the special procedures, the universal periodic review and the treaty bodies. Mr. Mansoor has experienced physical assaults, death threats, government surveillance, and since 2011, has been subject to a travel ban to prevent him engaging in person with United Nations human rights mechanisms. According to reports, he was detained on 20 March 2017 when security agents searched his home in Ajman, confiscated laptops and other equipment, and arrested him without a warrant. He was placed in custody in Al Wathba prison in ill-health and has been subject to ill-treatment and possibly torture. On 29 May 2018 Mr. Mansoor was sentenced to ten years prison before the State Security Chamber of the Federal Supreme Court, fined one million Dirhams (USD $272,294.00), and ordered to be put under surveillance for three years upon his release. The Government responded in writing to the allegations transmitted by the special procedures in April 2017, but did not address the allegations of reprisals.

56. On 4 October 2017, two special procedures mandate holders raised concern about the treatment of Mr. Mohamad Ismat Mohamad Shaker Az as retaliation of an opinion issued by the Working Group on Arbitrary Detention on his case (ARE 6/2017). Mr. Shaker Az was transferred to solitary confinement on 2 July 2017 for two months, beyond the 15-day limit recommended in international standards, allegedly as a measure of retaliation after the issuance of Opinion No. 21/2017 in which the Working Group found Mr. Shaker Az's detention arbitrary. Furthermore, Mr. Shaker Az was told that the prosecutor would ask for an increased penalty, from 15 years to which he was sentenced in 2014, to life imprisonment. The Government responded in writing to the allegations transmitted by the special procedures in October 2017, citing its view that Mr. Shaker Az was not subjected to arbitrary detention, torture or solitary confinement.

57. Mr. Osama Al-Najjar was alleged to have been subject to reprisals after meeting with the Ms. Gabriela Knaul, Special Rapporteur on the independence of judges and lawyers during her visit to the United Arab Emirates in 2014. His case has been raised by five special procedures mandate holders (ARE 2/2015) and in previous reports of the Secretary-General in 2014, 2015 and 2016. According to information received, Mr. Al-Najjar, who was arrested, tortured and held incommunicado in March 2014, was then transferred to Al Wathba prison, to be released on 17 March 2017, following the completion of his three-year sentence. However, in March 2017 the Federal Supreme Court reportedly refused to release him and, requested by the Public Prosecution, transferred him to a counselling center (Munasaha) based on Article 40 of Federal Law No. (7) of 2014 on Combating Terrorism Offences. On 1 June 2017 the court extended his placement in this center by six months and on 13 December 2017 it was again renewed for another six months.

58. On 6 July 2018 the Government provided follow up information on multiple cases, noting that Mr. Al-Najjar is currently going therapy and treatment at a counselling centre called a Munasaha Centre which "consists of psychological, social and religious sessions to uproot terrorist and extremist ideologies" based on "concern that he might commit a terrorist offence after leaving the prison" and a "threat to public security." The Government stated that Mr. Shaker Az is "currently serving his sentence of imprisonment at the Al Wathba penal institution, where he receives appropriate health care, and is permitted to communicate with his family in accordance with the regulations and procedures applicable to penal and correctional institutions." Mr. Mansoor "was tried, convicted and sentenced to ten years' imprisonment" and is serving his sentence at the Al Sadr penal institution with the right to an appeal. The Government did not address the allegations of reprisals.

18. Uzbekistan

59. The case of Ms. Elena Urlaeva, of the Human Rights Alliance of Uzbekistan, an independent labour monitor who documents the practice of forced labour in the cotton industry, was included in the 2017 report of the Secretary-General (see A/HRC/36/31, para. 61 Annex, para. 86-87). On 1 March 2017, Ms. Urlaeva was arrested in Tashkent and taken to a police station, the day before she was due to meet representatives of the ILO and the World Bank on 2 March 2017. She had filed a complaint with the International Finance

Corporation's Compliance Advisor Ombudsman (CAO) regarding World Bank investments. At the police station, Ms. Urlaeva was insulted and mocked by police officers who told her that she needed psychiatric treatment. She was then forcibly transferred to a psychiatric facility in Tashkent. On 24 March 2017, Ms. Urlaeva was released after 24 days of psychiatric detention.

60. On 5 April 2017 four special procedures mandate holders raised concerns about these incidents, which they noted appear to be related to her cooperation with international organizations (UZB 1/2017). On 28 April 2017 the Government responded, stating that according to a 2006 ruling of the Miabad Interregional Civil Court in Tashkent, Ms. Urlaeva suffers from mental illness and is legally incompetent. On 27 October 2017 the Government further responded to the mention of this case in the 2017 report of the Secretary-General, reiterating that no illegal actions by law enforcement were taken against Ms. Urlaeva, and that the Government maintains a cooperative relationship with the ILO.

61. It has subsequently been alleged that police and other authorities in several regions arbitrarily detained, interfered with and obstructed the work of both Ms. Urlaeva and Ms. Malohat Eshonkulova, an independent journalist and human rights activist who also signed the complaint to the Ombudsman, because they openly monitor work based upon forced labor. On 12 September 2017, police in Yaipan, a district of the Fergana region, detained Ms. Urlaeva at the police station where they confiscated her notebook, three mobile phones, camera, and a recording device. When Ms. Eshonkulova came to the station to demand Ms. Urlaeva's release, she was also detained. Both were released several hours later. Police in Buka detained Ms. Urlaeva again on 6 October 2017. On 15 October 2017, police in Pastdargam district, in the Samarkand region, detained Ms. Urlaeva and Ms. Eshonkulova for six hours. They were taken to the police station where they were interrogated and had their belongings confiscated, including notebooks, mobile phones, and camera flash card. In November 2017, is also alleged that police raided Ms. Eshonkulova's home and confiscated several of her belongings in a nearly 11-hour search for her computer and cell phone.

19. Venezuela (Bolivarian Republic of)

62. The 2017 report of the Secretary-General contains information about alleged acts of intimidation and reprisals against Mr. Henrique Capriles, former governor of Miranda state (see A/HRC/36/31, paras. 29 and . 88). In a press briefing on 19 May 2017, the spokesperson of the High Commissioner for Human Rights referred to the case of Mr. Henrique Capriles, who was scheduled to meet the High Commissioner in New York, on the same day, but was prevented from leaving Venezuela to do so. On 19 January 2018, the Assistant Secretary-General for Human Rights wrote to the Government about allegations of further reprisals against Mr. Capriles, expressing concern that subsequent attempts by him to renew his travel documents to participate in international events have been thwarted. On 11 April 2018 it was reported that Mr. Capriles was issued a passport to travel abroad to visit a sick relative.

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Technical assistance and capacity-building

Human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo

Report of the United Nations High Commissioner for Human Rights

Summary

In the present report, submitted pursuant to resolution 36/30 of the Human Rights Council, the United Nations High Commissioner for Human Rights reports on the human rights situation and the activities of the United Nations Joint Human Rights Office in the Democratic Republic of the Congo between June 2017 and May 2018. He assesses, among other things, the progress made by the Government in implementing previous recommendations by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and other United Nations human rights mechanisms.

The High Commissioner commends the efforts of the Congolese authorities to combat impunity, and also to combat sexual violence. In this respect, he notes the convictions handed down on senior military officers for acts constituting human rights violations, including war crimes and crimes against humanity. He also notes the establishment by the Government of a joint commission to investigate human rights violations committed in connection with the demonstrations of 31 December 2017 and 21 January 2018.

At the same time, however, the deterioration of the human rights situation across the country is very worrisome, in particular the marked increase in violations of civil and political rights and fundamental freedoms throughout the country in connection with the elections scheduled for December 2018 and the resurgence of violations and abuses linked to the activism of armed groups and operations of the defence and security forces in conflict-affected areas.

The High Commissioner invites the Government of the Democratic Republic of the Congo to implement all the recommendations set out in the present report and reaffirms the commitment of his Office to supporting the authorities in their efforts to promote and protect human rights.

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I. Introduction

1. In the present report, pursuant to Human Rights Council resolution 36/30 on technical assistance and capacity-building for human rights in the Democratic Republic of the Congo, the United Nations High Commissioner for Human Rights provides an overview of the human rights situation and the activities of OHCHR carried out in the country through the United Nations Joint Human Rights Office between June 2017 and May 2018.

2. In the report, the High Commissioner emphasizes the key human rights developments, including in the context of the elections, assesses the progress made in the implementation of his recommendations and those made by the United Nations mechanisms for the protection of human rights, and submits recommendations for the attention of the Government.

II. Principal human rights developments

3. The human rights situation continued to deteriorate throughout the territory of the Democratic Republic of the Congo during the reporting period. Overall, the number of human rights violations and abuses documented by the Joint Human Rights Office has increased by almost 20 per cent compared to the previous reporting period. More than 63 per cent of the violations were committed by State officials, primarily members of the armed forces of the Democratic Republic of the Congo (FARDC) and officers of the Congolese national police. The continued increase in violations of civil and political rights and fundamental freedoms in the context of the elections, and also of violations related to the increased activism of militias and armed groups in the provinces in conflict, is particularly worrying.

4. As the new election date of December 2018 approaches, restrictions on civil liberties, intimidation and violence against political opponents, journalists and other media personnel and civil society activists, including human rights defenders, have been stepped up. Demonstrations organized by opposition political parties and civil society organizations, including in protest at the postponement of the elections and the failure to implement any measures to reduce political tensions, have routinely been banned by the authorities and brutally suppressed by the defence and security services. In the course of this action to break up demonstrations, many people have been killed and a number of others injured. The democratic space has thus been severely limited and the conditions are scarcely conducive to free, inclusive, peaceful and credible elections.

5. The proliferation of militias and armed groups and the increased activities of the latter have contributed to the increase in abuses of human rights and international humanitarian law in the provinces in conflict — in particular in North Kivu — and also to the increase in violations committed by the defence and security forces in the course of their operations against these groups.

6. The period was also marked by the continuation or recurrence of intercommunal violence, in particular in the provinces of Ituri, Tanganyika and Haut-Katanga, and also in the Kasaï provinces (Kasaï, Kasaï Central and Kasaï Oriental). The geographical spread of conflicts could be observed in particular in Maniema, where the activism of Mai-Mai groups and the disproportionate response by FARDC units led to serious violations of human rights and international humanitarian law.

7. Despite the limited legislative progress in the protection of human rights, there have been notable efforts to combat impunity, including through legislative steps taken during the previous reporting period. For example, judgments handed down on senior officials for war crimes and crimes against humanity are indicative of new legal possibilities offered by the harmonization of the country's legislation with the Rome Statute of the International Criminal Court. Another encouraging development is the establishment by the Government of a joint commission to investigate alleged human rights violations committed in connection with the demonstrations of 31 December 2017 and 21 January 2018.

A. Human rights and fundamental freedoms in the context of elections

8. In its consideration of the previous periodic report submitted by the Democratic Republic of the Congo, the Human Rights Committee of the United Nations called on the Government to respect the constitutional right of every citizen to participate in public affairs and to take all necessary measures in order to increase the participation of women in public life, in particular their representation at the highest levels of Government (see CCPR/C/COD/CO/4, paras. 16 and 48). The Committee also recommended legislative measures to ensure that any restriction on the exercise of freedom of expression complied with the strict requirements set out in the International Covenant on Civil and Political Rights. It also recommended the investigation, prosecution and conviction of persons responsible for harassment, threats or intimidation against journalists, political opponents and human rights defenders (ibid., para. 40). In addition, the Committee called for the decriminalization of media offences and the offence of insulting the Head of State and the adoption of measures to guarantee the rights of all persons to the protection and promotion of human rights. The Committee also called for the harmonization of the legislative framework with the Constitution to guarantee the right to peaceful assembly and to prevent and eliminate all forms of excessive use of force by officers of the police and security services (ibid., paras. 40, 42 and 44).

9. During the reporting period, the special procedures of the Human Rights Council called on the Government, on two occasions, to put an end to violations of civil and political rights and to the widespread climate of repression against civil society.[1] Some delegations also expressed concern regarding the bill to regulate the work of non-governmental organizations[2] and requested the Government to take all the necessary measures to ensure that its provisions and their implementation did not violate the freedoms of expression, association and peaceful demonstration (see COD/2/2017, 15 November 2017).

1. Current situation and action taken by the Government

10. The sharp increase in the number of violations of civil and political rights continues to threaten the democratic environment and the credibility of the electoral process as the elections scheduled for 23 December 2018 draw near. Between June 2017 and May 2018, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo documented 1,466 violations associated with restrictions on democracy throughout the country, representing a 35 per cent increase over the previous period (1,080 violations), almost half of which were committed by Congolese national police officers.

11. The opening up of democratic space is critical to an electoral process which is inclusive, transparent, peaceful and credible. Despite repeated commitments in this regard, the Congolese authorities have continued to impose more and more restrictions, both disproportionate and unjustified, on public freedoms. Acts of violence, threats, harassment and intimidation against persons perceived as critical of the regime have increased, targeting in particular the leaders or members of opposition parties, civil society activists, human rights defenders and journalists and other media personnel.

12. While there have been releases of political prisoners and prisoners of conscience during the reporting period, there has been no progress on the high-profile cases mentioned in the Global and All-Inclusive Agreement of 31 December 2016. The Minister of Justice has taken measures for the granting of parole and unconditional release,[3] but has excluded the offences for which political prisoners and prisoners of conscience are usually

[1] See UA COD 2/2018, 26 January 2018 (https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23600) and UA COD 3/2018, 27 February 2018 (https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=23645).

[2] Bill amending and supplementing Act No. 004/2001 of 20 July 2001 on general provisions applicable to non-profit organizations and public service institutions.

[3] See the report of the twelfth extraordinary meeting of the Council of Ministers (www.pp-drcgov.net/compterendus.php).

prosecuted. At least 143 political prisoners and prisoners of conscience, including 12 women, were still in detention when this report was drafted.

13. In addition, incommunicado detentions persist, imposed by the security services and the National Intelligence Agency, including for long periods and without any judicial oversight. These detentions are targeting, among others, civil society campaigners and activists from opposition parties.

14. In addition, arrests and convictions in connection with the exercise of fundamental freedoms have continued. During the reporting period, the Joint Human Rights Office has documented arbitrary arrests and other violations of the right to liberty and security of person against 2,252 victims, including at least 103 women, in the exercise of their rights to freedoms of expression and opinion, demonstration and peaceful assembly or association. Several of these arrests were followed by convictions by the courts, indicating that the courts are being used for political purposes. Media offences and the offence of insulting the Head of State remain on the statute book and continue to lead to convictions.

15. By contrast, few officials have been convicted for deeds constituting violations of civil and political rights or fundamental freedoms.

16. Threats and intimidation against journalists and disproportionate restrictions of freedom of expression by the authorities have continued, with at least 90 journalists experiencing violations during the reporting period. In addition, on 3 August 2017, the Ministry of Communication and Media cancelled the accreditation of the Reuters correspondent in the Democratic Republic of the Congo. The Ministry has also restricted the freedom of movement of foreign journalists, requiring them to obtain prior authorization before travelling outside Kinshasa. On 10 May 2018, the authorities expelled two foreign journalists for breach of these procedures.

17. The jamming of certain radio stations, including Radio France Internationale (whose signal was restored in August 2017 after being blocked for nine months) and Radio Okapi, along with the suspension of Internet and text messaging services throughout the country also continued, in particular during major peaceful demonstrations, impeding the freedoms of expression and of the press.

18. While the Government announced the lifting of the general ban on demonstrations, including during the thirty-seventh session of the Human Rights Council, in March 2018, the authorities have continued severely to restrict the right to freedom of peaceful assembly, including through such measures as the general prohibitions on demonstrations imposed by local authorities in a number of cities and provinces. These policies are intrinsically disproportionate, as they are adopted without any consideration of the specific circumstances of each proposed meeting. They are therefore at variance with international human rights law and the Constitution of the Democratic Republic of the Congo. In addition to the general prohibitions, local authorities have regularly banned demonstrations about which they had been notified in compliance with the Constitution.

19. The Joint Human Rights Office has continued to monitor the implementation of discriminatory measures relating to the authorization of demonstrations. While demonstrations by the opposition tend to be prohibited, those organized by the presidential majority are normally permitted. Where opposition parties and civil society organizations have been able to organize demonstrations, notably those calling for the implementation of the Global and All-Inclusive Agreement of 31 December 2016 and for the holding of elections, these have routinely been suppressed by the authorities, including through the illegal use of force by the security and defence forces.

20. The High Commissioner condemns the violent suppression of protests and violations committed in impeding the legitimate exercise of fundamental freedoms. During the countrywide demonstration organized on 31 July, 15, 28 and 30 November, 19 and 31 December 2017, and 21 January and 25 February 2018, the actions of the defence and security forces resulted in the deaths of at least 19 persons (including at least two women), at least 251 persons were injured (including at least eight women) and at least 1,040 people were arbitrarily arrested (including at least 11 women). The High Commissioner notes that some efforts have been made to establish criminal liability, such as the sentencing of a

police officer to life imprisonment for murder, attempted murder, diversion of ammunition, illegal possession of a weapon of war and disobeying instructions on 26 February 2018 in Mbandaka (Equateur Province).

21. The establishment by the Government of a joint commission to investigate alleged human rights violations committed in connection with the demonstrations of 31 December 2017 and 21 January 2018, which completed its work on 10 March 2018, has been an encouraging development. The commission, supported by the Joint Human Rights Office, drew up relevant recommendations in response to the violations that had been committed and to guarantee the exercise of fundamental freedoms. The Commission stressed the need for criminal investigations to be carried out into the violations and human rights abuses committed in connection with the demonstrations, and also for the provision of medical care and the establishment of a compensation fund for the victims. At the time of writing of the present report, implementation of these recommendations remained limited.

22. The High Commissioner regrets that the provisions of the act on the protection and accountability of human rights defenders, passed by the National Assembly on 20 November 2017, have the effect of restricting the activities of human rights defenders, rather than protecting them. The bill on non-profit associations and public service institutions, under consideration by the political, administrative and judicial committee of the National Assembly, continues to raise concerns, including those prompted by the overly burdensome administrative requirements, the State's discretionary powers over the registration of associations, the lack of judicial oversight and restrictions on funding. Lastly, no progress has been made towards adoption of the bill establishing modalities for ensuring the freedom to demonstrate and the right of access to information.

23. Scant progress has been made in enhancing the role of women in the electoral process. The new electoral act, which was promulgated on 24 December 2017, lacks any provision making the admissibility of the lists submitted by political parties conditional upon the inclusion of a minimum quota of women candidates. All the same, during the voter identification and registration exercise, followed by the cleaning up of the electoral rolls, the registration rate of women was 51 per cent.

2. Action taken by the Joint Human Rights Office

24. The Joint Human Rights Office has continued its documentation work and has followed up alleged violations of human rights during the electoral process and also the situation of political prisoners and prisoners of conscience.

25. The Joint Human Rights Office submitted a number of recommendations with a view to opening up the democratic space, ensuring compliance with both national and international rules and standards regarding the use of force, and combating impunity for the perpetrators of human rights violations, based on the report on the use of illegal, unjustified and disproportionate force in the management of public demonstrations in the Democratic Republic of the Congo from January 2017 to January 2018, jointly published by OHCHR and the Mission of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).[4]

26. The Joint Human Rights Office has also alerted the Government to the lack of progress in the implementation of the recommendations set out in two investigation reports issued by OHCHR and MONUSCO in 2017 on human rights violations committed in connection with the demonstrations of 19–21 September 2016 in Kinshasa and 19 December 2016 across the entire country.[5]

[4] See www.ohchr.org/Documents/Countries/CD/BCNUDH-Report_March2018.pdf.

[5] Report on human rights violations in the Democratic Republic of the Congo in the context of the events of 19 December 2016 (www.ohchr.org/Documents/Countries/CD/UNJHRO December2016_en.pdf) and preliminary investigation report on human rights violations and violence perpetrated during demonstrations in Kinshasa between 19 and 21 September 2016 (www.ohchr.org/Documents/Countries/ CD/UNJHROSeptember2016_en.pdf).

27. The High Commissioner has repeatedly condemned the increasing obstruction of the work of the Joint Human Rights Office, whose teams have been denied access to morgues, hospitals and detention centres. Teams have been driven away from certain sites and subjected to threats, intimidation and physical attacks by the defence and security forces, limiting their ability to verify allegations of human rights violations committed during the demonstrations.[6] The launching of an investigation in March 2018 by the military courts in Kinshasa into threats and attacks against staff of the Joint Human Rights Office is an encouraging development.

28. The Joint Human Rights Office has continued to provide technical and financial support for efforts by the National Human Rights Commission, the Parliament and civil society to promote the constitutionality of various bills under consideration relating to the exercise of fundamental freedoms and international rules and standards, and to ensure the protection of human rights defenders and other civil society activists in the exercise of their legitimate activities.[7]

29. Between June 2017 and May 2018, the Joint Human Rights Office organized or supported 155 training sessions throughout the country on human rights issues relating to the electoral process, attended by 9,620 people, including at least 2,694 women — representatives of civil society, the political and administrative authorities, police officers, journalists and political stakeholders. At least 33 of these training sessions focused on the participation of women in the electoral process.

30. The Joint Human Rights Office has also provided legal support and multifaceted assistance in the area of protection and has dealt with 372 cases of threats and human rights violations against 264 human rights defenders, 59 victims, 37 journalists and 12 witnesses of violations — an increase of nearly 84 per cent from the previous reporting period.

B. Protection of civilians in conflict areas

31. The Human Rights Committee urged the Government to take steps to assist and to protect civilian populations in areas of armed conflict and internally displaced persons. It called on the Government to cooperate fully with all United Nations entities in dealing with the allegations of violations of human rights and international humanitarian law in Kasaï (see CCPR/C/COD/CO/4, paras. 26 and 28).

32. During the country's universal periodic review in 2014, it was recommended that the Government take action to eliminate all the negative forces at work in the east of the country. The Committee on the Rights of the Child urged the Government to take measures to protect children from falling victim to armed conflict or participating in armed hostilities, and to punish those who have been involved in killing, maiming and recruiting children (see CRC/C/COD/CO/3-5, para. 18).

1. Current situation and action taken by the Government

33. In conflict areas, the Joint Human Rights Office has documented a significant increase in the number of violations and abuses of human rights. This increase is attributable, among other causes, to the proliferation of militias and armed groups, the aggravation and spread of their activities, and also to violations perpetrated by State officials, in particular during operations against armed groups. During the reporting period, State officials have committed significantly more violations in the conflict areas than the

[6] In direct breach of the commitments entered into by the Government pursuant to Security Council resolution 2348 (2017) and the agreement between the United Nations and the Democratic Republic of the Congo concerning the status of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) (4 May 2000) (which became MONUSCO on 1 July 2010), and the memorandum of understanding of 21 August 1996 on the establishment of a human rights office in Kinshasa.

[7] These include bills on the protection and accountability of human rights, on non-profit associations and public service institutions, on measures to uphold the right to demonstrate and on access to information.

armed groups. The period was also marked by the persistence or resurgence of intercommunal violence, which has serious repercussions on the civilian populations.

34. The provinces of North and South Kivu remain those worst affected by the conflict, North Kivu accounting for more than half of the human rights violations and abuses documented in the provinces in conflict. In these two provinces, armed groups were responsible for 56 per cent of the human rights violations, while, of all the parties to the conflict, the FARDC soldiers bear the greatest responsibility, being involved in more than 25 per cent of all cases.

35. In North Kivu, the Mai-Mai Nyatura fighters are the main perpetrators of human rights violations among armed groups, while those of the Ugandan Allied Democratic Forces conducted particularly deadly attacks against the civilian population in Beni territory, resulting in the deaths of 104 persons (including 13 women and 8 children). Nyatura fighters, often allied to the Democratic Forces for the Liberation of Rwanda, have continued to act in support of Hutu populations in their conflict with the Nande communities, the latter being supported by Mai-Mai Mazembe fighters. In particular, they carried out a number of human rights abuses in Bwito chiefdom (Rutshuru territory) and are the major perpetrators of summary executions (a total of 138 victims, including 28 women and 28 children).

36. South Kivu continued to be affected by the activism of various Mai-Mai groups, some of which have joined forces within the coalition led by William Yakutumba. Most of the violations committed by FARDC soldiers were recorded in Fizi territory, including in the context of military operations against these groups.

37. The resurgence of intercommunal conflict has also been observed in Ituri, where repeated clashes between Hema and Lendu communities have been reported since mid-December 2017 in Djugu territory. At least 270 people, including 94 women, were killed, 29 injured and 120 villages were looted and destroyed on both sides during these hostilities, which have also led to the massive displacement of populations. FARDC and the Congolese national police, which is understaffed, have generally been unable to mount an appropriate response to these attacks or to secure the villages.

38. The activities of Kamuina Nsapu and Bana Mura militia and their violent suppression by FARDC continued to blight the three Kasaï provinces, where the number of violations and abuses of human rights documented was higher than in the previous reporting period.[8] More than 80 per cent of the violations were committed by State officials, including the extrajudicial execution of no fewer than 387 people, at least 12 of whom were women and 46 children. The conflict continued to fuel intercommunal tensions between the Chokwe-Pende (seen as supporting the Congolese defence and security forces) and the Luba-Lulua (accused by the authorities of being Kamuina Nsapu sympathizers), and also between the Kuba and the Kete — the Kamuina Nsapu and the Luba-Lulua people being perceived as supporting the Kete in a conflict which sets them against the Kuba. Since the end of December 2017, the Joint Human Rights Office has documented serious human rights violations in the territory of Mweka (Kasaï), committed during attacks by members of the Kamuina Nsapu militia and by Kuba and Kete militia members in several areas. At least 48 people were killed, 92 injured, and dozens of homes burned down.

39. In Tanganyika province, the conflict between the Twa and Luba communities has caused serious human rights abuses, including numerous deaths and an alarming number of victims of sexual violence by members of armed militias from both communities. The Twa militias are responsible for the summary execution of 59 people and sexual violence against 22 men, 84 women and three children; the Luba militias for the summary execution of at least four men and sexual violence against 15 women and one man. For example, on 3 August 2017, at Lambo Kilela (Kalemie territory), at least 55 people were killed and 26 others injured by Twa militia fighters during their clashes with Bantu units. On 6 August

[8] In total 655, compared with 328 during the previous reporting period. Several of these violations were committed during the previous reporting period but could only be documented during the period under review.

2017, at Kankwala (Nyunzu territory), at least 32 women were raped by Twa militia members during an attack on the village. An alarming spread of the conflict was observed during the reporting period in the Pweto territory, in the neighbouring province of Haut-Katanga.

40. Since September 2017, the human rights situation has deteriorated considerably in Maniema because of the activities of the Mai-Mai Malaika and the wide-scale deployment of FARDC to counter the activities of armed groups. In their operations, FARDC soldiers have used excessive and indiscriminate force, resulting in at least 86 victims of extrajudicial killings, including at least four women and five children. In the course of a single day, 12 December 2017, soldiers from the FARDC commando unit killed 40 civilians in Tenge Tenge, Mombese and Kibenga (Kabambare territory) in retaliation for the death of their commander in an ambush by Mai-Mai Malaika fighters on 10 December 2017.

41. The situation in the areas affected by the conflict has resulted in massive population displacements and exacerbated humanitarian needs. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), the Democratic Republic of the Congo has 4.25 million displaced persons and more than 600,000 have fled to other countries.[9] There is no national strategy or legislation, however, for the protection of and assistance to internally displaced persons.

42. For the first time since 2003, the annex to the latest report of the Secretary-General on children and armed conflict (A/72/361-S/2017/821) makes no mention of FARDC as a party to the conflict by engaging in the recruitment and use of children. The High Commissioner does, however, deplore the large number of killings and maimings of children attributed to FARDC soldiers documented by the Joint Human Rights Office during the reporting period, in particular in the Kasaï region.

2. Action taken by the Joint Human Rights Office

43. The protection of civilians remains a central priority of MONUSCO and the Joint Human Rights Office, including in the context of violence between communities or ethnic or religious groups and during the elections.[10]

44. The Joint Human Rights Office has continued its monitoring and investigation work in the conflict-affected areas and strengthened its presence in the Kasaï and Maniema provinces in order to enhance its capacity to prevent and respond to the challenges of protecting civilians in these areas.

45. The Joint Human Rights Office also organized several capacity-building activities related to protecting civilians and supported the establishment and empowerment of protection networks. These actions have contributed to the creation of 31 protection networks comprising 471 non-governmental organizations in 18 provinces.

3. Human rights due diligence policy

46. During the reporting period, the secretariat of the human rights due diligence policy,[11] placed under the authority of the Director of the Joint Human Rights Office, conducted 200 risk assessments that led to the authorization of United Nations support, often with conditions, for 729 State officials in leadership positions, and for several hundred units of the army, the police and, to a lesser extent, the National Intelligence Agency.

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[9] See www.unhcr.org/democratic-republic-of-the-congo.html (accessed 5 June 2018).

[10] See Security Council resolution 2409 (2018), para. 31 (a).

[11] The human rights due diligence policy seeks to prevent the risk of units of the Congolese security forces to which the United Nations provides support (logistical, operational or training) committing violations of international humanitarian law, human rights or refugee law. See A/67/775-S/2013/110.

47. The procedure for the implementation of the human rights due diligence policy in relation to United Nations country team support for Congolese security forces entered into force on 5 June 2017.

C. Sexual violence

48. The Human Rights Committee urged the Democratic Republic of the Congo to take all necessary measures to ensure that all cases of sexual violence were investigated and that the perpetrators were brought to justice and punished if found guilty. It also recommended physical and psychological support for victims and steps to facilitate their access to legal services (see CCPR/C/COD/CO/4, para. 20). The Committee on the Elimination of Discrimination against Women called upon the State to prosecute all acts of violence against women, punish perpetrators and set up a comprehensive care system for victims (see CEDAW/C/COD/CO/6-7, para. 22).

49. During the universal periodic review of the Democratic Republic of the Congo, it was recommended to the Government, among other actions, that it try all perpetrators of sexual violence, regardless of rank; that it take adequate measures to reduce and eradicate sexual and gender-based violence, including by improving the training of the security forces, and that it provide adequate redress for victims (see A/HRC/27/5, para. 134.60, 134.68, 134.85 and 134.116).

1. Current situation and action taken by the Government

50. During the period under review, some progress has been made in countering impunity for sexual violence, including by classifying certain rape cases as war crimes and crimes against humanity.

51. The Military Court of South Kivu heard several cases that are illustrative of this approach. On 13 December 2017, a provincial deputy and 11 of his co-accused were convicted and sentenced to life imprisonment, including for a crime against humanity involving rape, in a case where dozens of children had been abducted and raped in Kavumu between 2013 and 2016.[12] Furthermore, on 27 January 2018, the Prosecutor's Office attached to the Operational Military Court formally charged the former commander of the armed group Nduma Defence of Congo, Ntabo Ntaberi, alias "Sheka", who had been indicted, among other offences, for masterminding the mass rape of at least 387 women and girls in Walikale (North Kivu) in 2010, on 15 counts, including war crimes involving rape and sexual slavery.

52. In November 2017, the Senate Select Committee on Sexual Violence began work on a bill on reparations for victims of such violence, which seeks to clarify the funding sources and allocation criteria for such reparations.

53. In November 2017, the Supreme Council of the Judiciary and the Inspectorate General of Judicial and Prison Services, with the support of the Joint Human Rights Office, developed evaluation criteria for the prosecution and investigation of sexual violence. The Inspectorate General is now using this instrument to evaluate the work conducted by the judicial services in this area.

54. Nonetheless, sexual violence continues to be perpetrated on a wide scale both by the defence and security forces and by armed groups. During the reporting period, more than 572 women, 243 girls and 28 men were victims of conflict-related sexual violence,[13] marking a significant increase over the previous reporting period.

55. Combatants from the various armed groups and militias were responsible for 74 per cent of these instances of sexual violence, and more than one fourth of them were

[12] The decision was contested and the case was being heard on appeal at the time of finalizing the present report.

[13] These figures are derived from the monitoring, analysis and reporting arrangements on conflict-related sexual violence, in accordance with Security Council resolution 1888 (2009).

committed by State officials. The majority of these (21 per cent of the total number of victims) were attributable to FARDC soldiers. Among the armed groups, Raia Mutomboki combatants and those of the Forces de résistance patriotique de l'Ituri, and members of the Twa and Bana Mura militias are the principal culprits.

56. North Kivu, South Kivu, Tanganyika, the three Kasaï provinces and Ituri remain the provinces where sexual violence is most rampant. The Joint Human Rights Office has documented a worrying number of acts of sexual violence perpetrated by combatants of the Alliance des patriotes pour un Congo libre et souverain (APCLS) since early 2018 in North Kivu. For example, on 3 February 2018, in Lwibo, Bikunje and Muroba (Masisi territory), at least 17 women were raped by APCLS combatants of the Mapenzi faction during attacks against these locations, which had been placed under the control of APCLS combatants of General Janvier Karairi's faction.

57. In his last annual report on conflict-related sexual violence (S/2018/250), submitted on 18 April 2018 to the Security Council, the Secretary-General noted the increase in such violence in the Democratic Republic of the Congo and highlighted the resurgence of ethnically motivated sexual violence observed in Tanganyika province and in the Kasaï provinces, along with the significant number of cases attributable to members of FARDC and the Congolese national police.

58. The Joint Human Rights Office has continued to document acts of sexual violence outside the conflict areas. The principal victims of these are children (41 children and 6 women), and their main perpetrators are Congolese national police officers, in particular in the provinces of Kongo Central (37 per cent) and Kinshasa (33 per cent).

2. Action taken by the Joint Human Rights Office

59. The Joint Human Rights Office has continued its efforts to facilitate access for victims of sexual violence to holistic care. It supported eight legal clinics in North Kivu and South Kivu, which provided free legal assistance to 1,064 victims. Among the cases handled, 199 were referred to the courts, resulting in 87 convictions. In the same provinces, the Joint Human Rights Office also facilitated access to justice by 1,953 victims through the provision of support to the special units of the public prosecutor's offices for action against sexual violence, which resulted in 692 judgments, including 495 convictions.

60. Throughout the country, the Joint Human Rights Office has organized training sessions in preventing and combating impunity for sexual violence. At least 25 doctors and 36 judicial officials have been trained in forensic skills and the judicial procedure for handling cases of this kind, and awareness-raising measures conducted for at least 100 students and 12 teachers on sexual and gender-based violence and the theme of positive masculinity. The Joint Human Rights Office has also conducted a series of training courses for 115 commanders, military judges, intelligence officers and legal advisers of the FARDC operational sector in Kasaï.

61. In addition, the Office has supported the judiciary in establishing measures for the protection of victims and witnesses of sexual violence. As a result, during 17 mobile court hearings, 97 women and 26 girls were provided with protective measures.

D. Efforts to combat impunity

62. The Human Rights Committee requested the Democratic Republic of the Congo to take all necessary measures to end impunity for perpetrators of human rights violations and to ensure that the families of victims had access to effective remedies and reparation. It also called upon the Government to continue its cooperation with the International Criminal Court and to reform the legislative framework to ensure that military courts did not try civilians and that only the ordinary courts were competent to hear cases involving serious human rights violations (see CCPR/C/COD/CO/4, paras. 12 and 38).

I. Current situation and action taken by the Government

63. During the reporting period, the Congolese courts sentenced at least 131 FARDC soldiers, 74 Congolese national police officers and 78 members of armed groups or militias for acts constituting human rights violations, which represents an increase over the previous reporting period. Since the country's law has been brought into line with the Rome Statute,[14] the Congolese courts have been able to try a number of cases categorized as war crimes and crimes against humanity.

64. On 28 April 2018, Maro Ntumba, alias "the Moroccan", a lieutenant-colonel of FARDC, was sentenced to 20 years' imprisonment and the payment of damages to the civil parties by the South Kivu military court, for war crimes involving sexual slavery, looting and cruel, inhuman or degrading treatment or punishment, and for crimes against humanity involving mass rape, attacks against the civilian population and looting, committed between 2005 and 2007 in Kalehe territory.

65. On 22 January 2018, the Operational Military Court closed its mobile courts in Beni after 17 months of investigations, during which it had heard 60 cases involving 179 defendants. Of these, the court had convicted 134 and acquitted the other 45.

66. Major challenges remain in the campaign against impunity and to promote the administration of justice, however. In addition to structural obstacles, such as the shortage of judges, the unequal distribution of courts throughout the country and the lack of material and financial resources, problems related to the lack of judicial independence persist.

67. The national policy for reform of the justice system for the period 2017–2026, which was ratified in May 2017, has not led to the adoption of a programmatic law to ensure effective implementation of the goals set, including by guaranteeing the independence of the judiciary, access to high-quality justice for all, abolition of the death penalty and recognition of the right of appeal to the Operational Military Court.

68. Since the rejection in 2012 of the bill on the establishment of special chambers, no initiative has been proposed by the Government to set in place a system to try crimes of the past, in particular those committed before the entry into force of the Rome Statute.

69. Conflicts arising between the civil and military courts are also creating difficulties, in particular in the processing of cases involving offences under the Rome Statute. The Code of Military Justice still includes certain offences for which civilians may be prosecuted by the military justice system. This raises difficulties of interpretation between the two judicial systems and the issue is frequently raised by civilian defendants claiming their non-justiciability before the military courts.

70. The High Commissioner regrets that Gédéon Kyungu, head of a Mai-Mai group convicted in 2009 by the military courts for criminal liability crimes against humanity (summary executions, rape, looting), participation in an insurrectionary movement and terrorism, for acts committed between 2003 and 2006, has remained free to come and go since turning himself in on 11 October 2016.

71. The inadequacies of the prison system are another major obstacle to the campaign against impunity. Mass escapes continue, facilitated among other factors by the dilapidated infrastructure, the limited numbers and inadequate training of the guards deployed to detention centres, and also by negligence and corruption. At least 1,682 individuals escaped from prisons during the reporting period. In addition, the number of persons held in pretrial detention remains high and the inadequate conditions of detention persist in most prisons, including lack of access to medical care, malnutrition and overcrowding. These conditions contributed to the death of at least 230 prisoners during the reporting period.

[14] This alignment has been achieved through the enactment of the Criminal Code Amendment Act, the Code of Criminal Procedure Amendment Act and the Military Criminal Code Amendment Act (all promulgated on 31 December 2015) and the Code of Military Justice Amendment Act (promulgated on 10 March 2017).

2. Action taken by the Joint Human Rights Office

72. The Joint Human Rights Office has continued to support the civilian and military justice systems in their endeavour to end impunity, through the provision of technical, logistical and financial support for the investigation and prosecution of violations and serious human rights abuses. Between June 2017 and May 2018, the Office supported 22 joint investigation missions and 27 mobile court sessions. In Kasaï, a technical support team deployed by the Office of the High Commissioner, in accordance with resolution 35/33 of the Human Rights Council, together with the Joint Human Rights Office, provided technical assistance to the judicial authorities in the conduct of investigations into allegations of violations and serious human rights abuses. The joint investigations were initiated by the Kananga chief military prosecutor (in Kasaï Central) on 31 May 2018.

73. The Joint Human Rights Office has assisted and provided protection to 996 victims, including 399 women and 25 children, in investigation missions conducted jointly with the judicial authorities, and to 559 victims, including 120 women and 20 children, in mobile hearings. In addition, in the course of 10 protection missions carried out before the joint investigation missions and mobile hearings, the Office identified 1,144 victims, including 574 women and 36 children, and informed them about their rights.

74. In August 2017, the Joint Human Rights Office ran a training course on international crimes for judges of the appellate courts, military courts, public prosecution services and higher military prosecutor's offices of Kongo Central, Maniema, Kasaï Central, Kasaï Oriental, Bandundu and Kinshasa.

III. Cooperation with the United Nations human rights mechanisms and national mechanisms to promote and protect human rights

A. Follow-up to the recommendations of the universal periodic review and other United Nations mechanisms

75. The Interministerial Human Rights Committee, which is responsible for drafting reports and following up the implementation of recommendations of the treaty bodies and the universal periodic review, continues to have difficulty in fulfilling its mandate.

76. On 26 October 2017, the General Assembly voted in favour of the admission of the Democratic Republic of the Congo to the Human Rights Council. The Democratic Republic of the Congo has served on the Council since January 2018 and will hold its seat until the end of 2020, and must therefore uphold the highest standards in the promotion and protection of human rights, fully cooperate with the Council and submit to the universal periodic review mechanism during its mandate. The High Commissioner notes that the Government made voluntary commitments in September 2017 when submitting its candidacy.

B. Update on national mechanisms for the protection and promotion of human rights

77. The National Human Rights Commission continues to suffer from a lack of human, financial and material resources, constraining it in the exercise of its mandate. It has, however, visited a number of detention centres and secured the release of a large number of persons in pretrial detention. With the support of the Joint Human Rights Office, the Commission has also carried out several human rights training and awareness-raising activities. It has also worked on the drafting of opinions and proposals to Parliament for the harmonization of the bill on the protection and accountability of human rights defenders.

78. Among other outputs, the Commission has published two investigation reports into the human rights violations committed in connection with the demonstrations of 31 January 2017 and 21 January 2018 in Kinshasa, a report on the inquiry into the situation in Kasaï

Central in 2016–2017 and an annual report on its activities. Three Commission delegates have been seconded to the joint commission to investigate allegations of human rights violations in connection with the demonstrations of 31 December 2017 and 21 January 2018 in Kinshasa, and have supported its investigative work and the preparation of its final report.

IV. Conclusions and recommendations

A. Conclusions

79. **During the reporting period, the human rights situation in the Democratic Republic of the Congo has been characterized by a sharp increase in encroachments on civil liberties and a continued shrinking of the democratic space. The persistence of acts of harassment, threats and intimidation against journalists, political opponents and human rights defenders, together with the prohibition and violent breaking up of peaceful demonstrations by State agents, is of particular concern as the elections scheduled for December 2018 draw nigh.**

80. **The increased activism of armed groups and the response by the State has continued to result in serious human rights violations in conflict areas, including an alarming number of cases of sexual violence.**

81. **It is essential to support the efforts to counter impunity observed during the reporting period and urgently to open up the democratic space, with the aim of creating the necessary conditions for an electoral process which is inclusive, peaceful and credible.**

B. Recommendations

82. **The High Commissioner recommends that the Government of the Democratic Republic of the Congo:**

(a) **Guarantee protection of the rights and freedoms of all persons, including political opponents, journalists and other civil society activists, and ensure that any restriction of these freedoms is consistent with the principles of legality, necessity and proportionality, in conformity with international law;**

(b) **Proceed with the immediate release of all political prisoners and prisoners of opinion, in order to create conditions conducive to the holding of inclusive, peaceful and credible elections, in accordance with the Global and All-Inclusive Agreement of 31 December 2016 and the electoral timetable of 5 November 2017;**

(c) **Forthwith lift the blanket ban on demonstrations imposed throughout the country and enact without delay the law establishing modalities for ensuring the freedom to demonstrate in accordance with the Constitution and the international obligations of the Democratic Republic of the Congo;**

(d) **Ensure that the use of force by State agents, including in the context of crowd management operations and military operations against the armed groups and militias, strictly complies with the rules of international human rights law and international humanitarian law;**

(e) **Conduct as soon as possible independent, thorough, credible, transparent and impartial investigations into allegations of serious human rights violations and abuses, including those committed by State officials in the context of demonstrations and by all parties in the provinces affected by the conflict, bring the presumed perpetrators to justice and ensure prompt and proper redress for the victims;**

(f) Ensure that the bill on the protection and accountability of human rights defenders, and also that on the general provisions applicable to non-profit associations and to public service institutions fully guarantee the rights of all persons to the protection and promotion of human rights, do not infringe the rights to freedom of expression, peaceful assembly and association, and are adopted by Parliament in those terms;

(g) Promote the participation of women in the political sphere, including by amending the electoral law to include temporary special measures such as mandatory quotas for women candidates in party lists;

(h) Ensure the independence of the judiciary by desisting from all interference in its operations and furnish the judicial authorities with the necessary means to carry out their tasks;

(i) Prohibit incommunicado detention, close all secret detention facilities, release the detainees still held in those facilities and place all places of detention under judicial oversight, including those of the National Intelligence Agency and military intelligence headquarters;

(j) Uphold the right of every accused person to be tried within a reasonable time by an independent and impartial tribunal, with due respect for the rights of the defence, that it recognize the right of appeal to the Operational Military Court and that it abolish the death penalty;

(k) Improve the living conditions and treatment of detainees in prisons, in accordance with the United Nations Standard Minimum Rules for the Treatment of Prisoners;

(l) Take all necessary measures to prevent sexual and other forms of gender-based violence, bring perpetrators to justice and provide victims with holistic care and remedies for redress;

(m) Ensure that the National Human Rights Commission becomes fully operational, including by allocating to it the necessary financial and logistic resources and by guaranteeing its independence, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles);

(n) Strengthen the national institutions and mechanisms responsible for coordinating and following up the application of recommendations of United Nations human rights mechanisms;

(o) Strengthen its collaboration with the Joint Human Rights Office, MONUSCO and other partners to improve the protection of human rights in the country and to combat impunity, including by ensuring the safety and complete freedom of movement of United Nations personnel throughout the country and by cooperating fully with the monitoring and verification missions undertaken by staff of the Joint Human Rights Office, including by granting them full access to detention centres.

Annex

Overview of the principal human rights violations documented in the Democratic Republic of the Congo